



## **Domestic Kitchen License**

### **Licensing**

*ORS 616.706 states “No person shall operate a food establishment without first obtaining a license.” ORS 616.695 defines a food establishment as “any room, building, structure or place used or intended for use, or operated for storing, preparing, compounding, manufacturing, processing, freezing, packaging, distributing, handling, salvaging, or displaying food.”*

Anyone who would like to sell food that is made in their home kitchen for personal profit must meet special requirements and must obtain a domestic kitchen license. The domestic kitchen license was designed to allow someone to try their business venture without a large capital expenditure. Licenses for domestic kitchen operations are issued for bakeries or food processors. The home kitchen must be adequate for operating the equipment and manufacturing the food. If the production volume exceeds the capacity of the home kitchen, the operator must move production to a commercial kitchen and obtain a food processing establishment or bakery license.

### **Where Domestic Kitchen Processing or Baking is Allowed**

“Domestic Kitchen” means the location in the operator’s residential dwelling where residential food preparation is conducted (OAR 603-025-0010(5)). All production, including storage of equipment, ingredients, and finished product, must occur within the home kitchen space. Food manufacturing in a garage, basement, any other room in the house, or another building on the property requires a different food processing or bakery license.

“Residential Dwelling” means a home or area within a rental unit, in which an operator makes their primary residence (OAR 603-025-0010(29)). A secondary house or apartment does not qualify for the domestic kitchen license. A food processing or bakery license would be required in these scenarios.

### **Sanitation Requirements**

In addition to the provisions of OAR 603-025-0020 the following are required of your domestic kitchen according to OAR 603-025-0200:

- Doors –All doors or openings from the domestic kitchen to other rooms of the building or structure, if applicable, shall be kept closed during the processing, preparing, packaging, or handling of commercial foods.
- People – No one other than the licensee and employees directly under his/her supervision are permitted to directly engage in the processing, preparing, packaging, or handling of commercial food. No other person, including infants or children, are allowed in the domestic kitchen during such periods of operation.
- Pets – If there are pets in the residential dwelling, they are not allowed in the domestic kitchen during the commercial food preparation and their presence must be declared on the product label.
- Domestic Activity – No processing, preparing, packaging, or handling of commercial foods shall be carried on in a domestic kitchen while other domestic activities are being conducted in the kitchen
- Storage – Separate closed storage space is required for ingredients, finished products, labels and packaging materials for commercial foods. A separate refrigerated storage is needed for perishable products or ingredients for commercial foods. Storage of medical supplies is not permitted in the domestic kitchen. A separate storage area must be provided for household cleaning materials and other chemicals or toxic substances.

### **What Activities are Prohibited under a Domestic Kitchen License?**

- Processing of low-acid canned foods
- Processing of milk for the manufacture of any fluid milk and/or milk products (e.g., yogurt, cheese, ice cream, etc.)
- Processing of any meat or meat product as defined by ORS 603.010(7)
- Animal food processing (if you make pet food without meat, you don't need a license)
- Catering activities
- Preparation of acidified foods might be permitted but requires an analysis of the product from a process authority and an operator certified by attending Better Process Control School. Additional licensing information can be found on the Food Safety Program web page Acidified Foods Step by Step Guide.

\* All activities listed above can be done outside the domestic kitchen in an approved facility that is licensed.

### **Water Supply**

All licensed establishments must have a potable water supply. If an establishment is on a private system (well or spring) it must comply with construction standards and meet water

sampling test requirements. Samples must be submitted to an approved lab for testing coliforms and *E. coli* and the results must be submitted to Oregon Department of Agriculture (ODA) prior to license approval and annually after being approved. Here is a link to find [Oregon Labs for Drinking Water and Public Testing](#).

### **Waste Water**

All liquid wastes resulting from cleaning and rinsing utensils, equipment and floors, from flush toilets, and from handwashing facilities, refrigeration devices and air conditioners, shall be disposed of into a public sewage system or by a method approved by the State Department of Environmental Quality or Local Public Health Authority that has jurisdiction. Private systems require a septic authorization notice or other documented form of correspondence with the Department or Authority having jurisdiction as part of the license approval process.

### **Compliance with Local Jurisdictions**

It is the firm's responsibility to be compliant with local jurisdictions. A licensable firm should contact the county and city (if applicable) regarding local requirements before reaching out to ODA for licensing. Topics of note to discuss with local jurisdictions would be Land Use Compatibility Statement (LUCS), zoning, fire code, plumbing code, electrical code and more.

### **Labeling Requirements (OAR 603-025-0325)**

All foods packaged for retail sale must be properly labeled. The required information includes name of the product, net weight, ingredient statement, and the name and address of the food establishment.

- The address of the food establishment shall include either:
  - the full street address, city, state, and zip code; **or**
  - the city, state, and zip code if the name and address of the food establishment are listed in a city directory; **or**
  - the Unique Identification number (UIN) issued by the Oregon Department of Agriculture.

A [handout](#) is available that further explains the labelling requirements.

If the label provides any nutrient content claim, health claim, or other nutritional information, then they must add the appropriate product nutritional information as described in Title 21, Part 101 of the Code of Federal Regulations (2015).

If there are pets in the residential dwelling, then the food label must include a statement that pets were present in the residential dwelling and declare the species using the common or usual name of the pet. Examples include, but are not limited to, cat, dog, or rabbit.

### **Unique Identification Number (OAR 603-025-0335)**

A licensed domestic kitchen may request a unique identification number (UIN) from the ODA to use on a food label as an alternative to a business address. The UIN may only be used if the establishment submits an application form with requested information or documentation designated by the ODA. Payment of a \$25 fee is required to obtain an UIN. Each UIN shall expire on June 30 following the date of issuance and may be renewed by payment of a fee of \$25 prior to the expiration of the number.

The use of expired or unauthorized UIN constitutes misbranding and is not allowed. The UIN is personal to the applicant and may not be transferred to another person or address. A new number is necessary if the business entity is changed, or if the membership of a partnership is changed, regardless of whether or not the business name is changed.

### **Inspection of a Domestic Kitchen**

The Oregon Department of Agriculture will conduct routine inspections of the domestic kitchen to ensure compliance with rules and regulations. All licensed domestic kitchens must be available for inspection by the Department between the week-day hours of 8 a.m. to 5 p.m. The Department may, if it deems advisable or necessary, inspect a licensed business' premises on weekends or holidays or other times commercial foods are being processed, prepared, packaged, or handled.

ODA: Home (Domestic) Kitchen Licensing