

18 VSA §4301 – Definitions

(a) As used in this chapter:

(1) “Bakery” means all buildings, rooms, basements, cellars, lofts, or other premises or part thereof used, occupied, or maintained for the purpose of producing for sale bread, cakes, pies, or other food products made either wholly or partially with flour.

(2) “Children’s camp” means any residential camp for children that:

(A) offers a combination of programs and facilities established for the primary purpose of providing an experience to children;

(B) is operated for five or more consecutive days during one or more seasons of the year; and

(C) provides 24-hours-a-day supervision of children.

(3) “Commissioner” means the Commissioner of Health.

(4) “Cottage food operation” means a food manufacturing establishment where cottage food products, as defined herein, are produced.

(5) “Cottage food operator” means any person who produces or packages cottage food products only in the home kitchen of such person’s private residential dwelling and sells such products in accordance with section 4353(a)(3) of this title.

(6) “Cottage food product” means food sold by a cottage food operator in accordance with section 4353(a)(3) of this title and that is not included in the definitions of “potentially hazardous food” or “time/temperature control for safety food,” as those two terms are defined by the department in rules adopted pursuant to this chapter.

(7) “Department” means the Department of Health.

(8) “Establishment” means food manufacturing establishments, food service establishments, lodging establishments, children’s camps, seafood vending facilities, and shellfish reshippers and repackers.

(9) “Food” means articles of food, drink, confectionery, or condiment for human consumption, whether simple, mixed, or compound, and all substances and ingredients used in the preparation thereof.

(10) “Food manufacturing establishment” or “food processor” means all buildings, rooms, basements, cellars, lofts, or other premises or part thereof used, occupied, or maintained for the purpose of manufacturing, preparing, packing, canning, bottling, keeping, storing, handling, serving, or distributing food for sale. A food manufacturing establishment shall include food processors, bakeries, cottage food operations, distributors, and warehouses. A food

manufacturing establishment shall not include a place where only maple syrup or maple products, as defined in 6 V.S.A. § 481, are prepared for human consumption.

(11) “Food service establishment” means entities that prepare, serve, and sell food to the public, including restaurants, temporary food vendors, caterers, mobile food units, and limited operations as defined in rule.

(12) “Lodging establishment” means a place where overnight accommodations are regularly provided to the transient, traveling, or vacationing public, including hotels, motels, inns, and bed and breakfasts. “Lodging establishment” shall not include short-term rentals.

(13) “Salvage food” means any food product from which the label on the packaging has been lost or destroyed or that has been subjected to possible damage as the result of an accident, fire, flood, or other cause that prevents the product from meeting the specifications of the manufacturer or the packer but is otherwise suitable for human consumption.

(14) “Salvage food facility” means any food vendor for which salvage food comprises 50 percent or more of gross sales.

(15) “Seafood vending facility” means a store, motor vehicle, retail stand, or similar place from which a person sells seafood for human consumption.

(16) “Shellfish reshipper and repacker” means an establishment engaging in interstate commerce of molluscan shellfish.

(17) “Short-term rental” means a furnished house, condominium, or other dwelling room or self-contained dwelling unit rented to the transient, traveling, or vacationing public for a period of fewer than 30 consecutive days and for more than 14 days per calendar year.

(b) Nothing in this chapter shall be construed to modify or affect laws or rules of the Agency of Agriculture, Food and Markets. (Amended 1989, No. 256 (Adj. Sess.), § 10(a), eff. Jan 1, 1991; 2003, No. 42, § 2, eff. May 27, 2003; 2017, No. 76, § 5; 2018, No. 10 (Sp. Sess.), § 1.)

18 VSA § 4353 – Fees

(3) Food manufacturing establishment — a fee for any person or persons that process food for resale to restaurants, stores, or individuals according to the following schedule:

(A) Food manufacturing establishments; nonbakeries

I — Gross receipts of \$10,001.00 to \$50,000.00; \$175.00

II — Gross receipts of over \$50,000.00; \$275.00

III — Gross receipts of \$10,000.00 or less are exempt in accordance with section 4358 of this title.

(B) Food manufacturing establishments; bakeries

I — Home bakery; \$100.00

II — Small commercial; \$200.00

III — Large commercial; \$350.00

(C) Food manufacturing establishments; cottage food operations

I — Gross receipts of \$30,000.00 or less from the sale of cottage food products are exempt in accordance with section 4358 of this title.

§ 4358. Exemptions

(b) The obligation to obtain a license and the associated license fees in this subchapter shall not apply to any food manufacturing establishment exempt under section 4353(a)(3) of this title.

(c) Any food manufacturing establishment claiming a licensing exemption shall provide a licensing exemption form to the Department annually, an attestation of training completion, and any other documentation as required by rule.

EFFECTIVE DATE This act shall take effect on January 1, 2026.