

Licenses and Homemade Baked Goods

**As of November 2024, certain court orders prohibit enforcement of licensing requirements for home bakers who make baked goods that are not potentially hazardous to sell directly to consumers.
See *Kivirist v. DATCP*, Lafayette County Case No. 2016CV06.**

IMPORTANT INFORMATION

Home Producers of Baked Goods:

- The court's orders apply only to people producing baked goods in their homes.
- Commercial kitchen baking businesses must follow *Wisconsin Administrative Code chapters ATCP 70 and ATCP 75*.
- All commercial kitchens must ensure food businesses using their facilities are appropriately licensed.

Not “Potentially Hazardous” Food:

- The court's order applies only to baked goods that are not potentially hazardous as defined by *Wis. Stat. §§ 97.29(1)(hm) and 97.30(1)(bm)*.
- Baked goods are generally exposed to dry heat, transferred via air, at a temperature above 140°F, to a food in a closed chamber such as an oven.
- The finished product must not be potentially hazardous.

Direct Sales to Consumers:

- The court order applies to a home baker that sells baked goods directly to consumers.
- Businesses wholesaling baked goods must be licensed.

Disclaimer:

- Ongoing litigation may affect the applicability of this information.
- Business operators should determine if they need a food business license.
- For more information, contact a licensing specialist at (608) 224-4923 or datcpdfslicensing@wisconsin.gov.

For more information and resources on food safety, access our list of [Food Code Fact Sheets](#).



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