

# **Institute For Justice: End of Wisconsin's home-baking ban provided immediate economic benefits for entrepreneurs**

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*Business Is Booming One Year After State Declares Prohibition Unconstitutional*

This Thanksgiving, Wisconsin's home bakers can legally sell homemade apple pies, sugar cookies and other delicious treats to hungry Wisconsinites. They have not had this opportunity for long: In October 2017, following a lawsuit by the Institute for Justice (IJ), a Wisconsin court ruled a law prohibiting entrepreneurs from selling home-baked goods—even a single cookie—was unconstitutional. That change opened up opportunities for budding entrepreneurs almost immediately, as detailed in a new report from IJ, [“Ready to Roll: Nine Lessons from Ending Wisconsin’s Home-Baking Ban.”](#)

Vicki Schmidtka sold her first batch of homemade cookies around Halloween last year. Now, business is booming and Schmidtka has been nominated in *Madison Magazine's* best artisan food product category.

“Decorating sugar cookies takes so long that prior to being able to work at home, I’d have to rent a commercial kitchen for eight hours at a time and there would be no way to turn a profit. This new industry has given me the opportunity to test the market and see if there’s a demand for my product. I’d love to do this full time as a career,” said Schmidtka, who has a day job working for a health care startup.

Ready to Roll shows Schmidtka isn’t alone in that regard. Though only 10 percent of the Wisconsin home bakers surveyed for the study said their home-baking business is their full-time job, 62 percent said they put their earnings back into the business, with many wanting it to become a full-time career.

Stacy Beduhn, founder of Sweet Creations by Stacy, is another example of a thriving new businesswoman. Stacy says she is thrilled by consumer demand for her cookies. “I work at a day care part time instead of full time now that I can bake out of my home. I am so very thankful to be able to work out of my home and help provide for my family,” said Beduhn.

“Bakers tell us their newfound home-baking income helps them pay their bills, buy lessons for their kids and even afford health insurance,” said Jennifer McDonald, senior research analyst at IJ and author of this and [another report](#) about the homemade food industry.

“These results demonstrate the near-immediate impacts of positive legal and policy reforms.”

Lisa Kivirist, one of the home bakers who successfully sued the state in 2016, said that before the judge’s ruling, “I could legally serve muffins to guests of our bed-and-breakfast but could not sell them. It’s nice to have an extra income source.”

But while the change is welcome to Wisconsin home bakers, there is still some room for improvement in the state’s homemade food, or “cottage food,” laws. It remains illegal for Wisconsin homemade food producers to sell foods requiring refrigeration. That leaves classic Thanksgiving desserts like pumpkin pie off the menu. Entrepreneurs in Wyoming, North Dakota and Utah, on the other hand, are permitted to sell nearly any homemade food item they wish, thanks to their states’ groundbreaking food freedom laws.

“By expanding what foods home bakers can sell, Wisconsin would broaden opportunities for home-based food entrepreneurs, particularly women, and give consumers access to more delicious homemade foods,” McDonald said.

In November 2013, the Institute for Justice launched its [National Food Freedom Initiative](#). As part of that Initiative, IJ is currently suing [New Jersey](#) over its ban on selling home-baked goods. In addition to helping overturn Wisconsin’s home-baked good ban, IJ sued [Minnesota](#) over its restrictions on selling home-baked and home-canned goods, prompting the state to change its laws in 2015. And in 2017, IJ successfully persuaded legislators in [Maryland](#) and [Kentucky](#) to expand their cottage food laws.