

Where can foods prepared by HBVs be sold?

The consumer must take possession of the HBV food product at the farmer's market or roadside stand. HBV foods **may not** be sold at any other venue including retail food establishments (restaurants, grocery stores, etc.), flea markets, festivals, carnivals, or any other event. HBVs also cannot sell products out of their home, nor can they deliver. They may, however, accept orders at their home.

Labeling requirements for food produced by HBVs

All HBV foods must have:

- The name and address of the producer (HBV)
- The name of the product
- The date it was prepared
- The ingredients listed in order of predominance by weight
- The net weight, volume or item count
- This statement (in at least 10 point type); "This product is home produced and processed and the production area has not been inspected by The State Department of Health."
- In place of labeling, a placard may be used in some situations, such as when the product sold is not packaged
- Poultry labeling: name and address of producer, name of food product, net weight or volume, ingredient list, date the food product was produced, and the statement "Exempt P.L. 90-492".
- Labeling chicken eggs, see www.ansc.purdue.edu/ISEB/Guidelines%20for%20labeling%20eggs.pdf

Product liability for foods produced by HBVs

Product liability is an important consideration for food produced by HBVs. Because these foods are not inspected by regulatory agencies, liability insurance may be difficult to obtain. HBVs are advised to contact their legal counsel and/or insurance provider for advice.

Contact resources for HBVs

1. Your local health department. In Harrison County the number is 812-738-3237.
2. Indiana State Department of Health Food Protection Program – 317-233-7360
3. Your county Purdue Extension Office – 812-738-4236.

4. Purdue food scientists are also available to answer questions at foodsci.purdue.edu or 765-494-8256.
5. A special link has been created on the Purdue Food Science website: www.ag.purdue.edu/foodsci/Pages/IN-HEA-1309-info.aspx. Here you will find a list of frequently asked questions, the guidance document prepared by the Indiana State Department of Health, and a copy of the rule, HEA 1309.
6. Your food can be tested for pH, water activity or both from \$50 - \$75 per sample. Contact Purdue's Food Science Department (see #4 above for contact information). The Harrison County Health Department also has the submission forms with the testing requirements.
7. Indiana State Egg Board – 765-494-8510. www.ansc.purdue.edu/ISEB/

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Information from the Indiana State Department of Health & Purdue University Food Science Department

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Home Based Vendor Rule



IC 16-42-5-29



A major change in Indiana food rules

In 2009, Governor Mitch Daniels signed into law House Enrolled Act (HEA) 1309, which **allowed certain food products to be made in a private residence and then be legally sold in two specific public places**. This became IC 16-42-5-29, otherwise known as the Home Based Vendor Rule. It was revised in 2012 and again in 2014.

Home based vendors (HBVs) may not sell other commercially prepared products. They can make **ONLY** non-potentially hazardous foods in their homes and sell them at **farmer's markets** and **roadside stands**. They can now also slaughter and process chicken and rabbits on the farm for sale to the end consumer. This meat may be picked up on the farm or delivered to the consumer. They may also sell eggs from the farm.

While this rule allows certain freedom from health department inspections, a lot of responsibility and liability now rests directly on the home based vendor.

Potentially hazardous foods (PHFs) such as meat (excluding chicken and rabbit), aquatic animal products, dairy, raw shell eggs, or temperature-controlled home-prepared foods still cannot be sold by a home based vendor without inspections and permits from the local health department, even at a roadside stand or farmer's market. PHFs have ingredients, packaging or storage requirements that must be followed to keep disease-causing bacteria from growing. Raw shell eggs (domestic chicken eggs only) can be sold with a permit from the Indiana State Egg Board, and must be kept at no more than 45° F.

Foods that have a pH greater than 4.6 and a water activity (Aw) greater than 0.85 allow harmful bacteria to grow and are considered to be PHFs. Home canned and vacuum packed foods **cannot** be sold because of the risk of botulism. Low acid home canned food such as vegetables (green beans) or fruit butters **may not** be sold. Acidified foods with added vinegar, lemon juice or citric acid, or fermented foods **may** be sold provided they are NOT in an oxygen-sealed container and the vendor can demonstrate a pH of 4.6 or below (ISDH memo dated 8/23/2018.)

Following is a list, which is by no means all-inclusive, of foods that may and may not be sold by HBVs. If you have specific questions about your product, contact your local health department or have your product evaluated by an outside consultant.

Food type	Food that may be sold by HBVs	Food that may NOT be sold by HBVs
Baked Goods	<ul style="list-style-type: none"> * Cookies, cakes (not needing refrigeration), brownies, fruit pies, cupcakes, yeast breads, fruit breads, baguettes * Dry noodles 	<ul style="list-style-type: none"> * Foods that contain meat, poultry, aquatic animals, non-baked dairy (cheese, butter, yogurt), non-baked egg-containing products. * Cheesecakes. * Whole shell eggs may not be sold by HBVs. Must have egg license, food permit & temperature control.
Candies and Confections	<ul style="list-style-type: none"> Caramels, chocolate, fudge, peanut brittle, chocolate covered fruits, bonbons, buckeyes, chocolate covered nuts, hard candy 	
Fruit and Vegetables	<ul style="list-style-type: none"> * Unprocessed, whole uncut produce * Dried fruit or vegetables (water activity has been reduced by drying) * Fruit-based jams and jellies made with high-acid fruit and sugar 	<ul style="list-style-type: none"> * Canned products that are shelf-stable and in hermetically sealed containers such as salsas, chow-chow, and canned vegetables. * Sugar free jams or jellies * Fruit jellies with peppers added * Pickled vegetables (beets, pickles) with added acid

	<ul style="list-style-type: none"> *Apple butter * Fermented pickles that do not require acidification or refrigeration *Microgreens, cilantro, parsley *Acidified or fermented cut tomatoes or cut leafy greens NOT in oxygen-sealed container with demonstrated pH of 4.6 or less 	<ul style="list-style-type: none"> (vinegar, lemon juice, citric acid, etc.) that are shelf-stable * Cut produce including tomatoes, leafy greens, melons * Garlic-in-oil mixtures, herb and oil mixtures * Raw seed sprouts * Other fruit butters (pear, pumpkin, etc. Acid content too low.)
Meat, poultry, seafood	<ul style="list-style-type: none"> * May process up to 1000 birds a year without BOAH oversight. * May raise and slaughter rabbits on the farm. * May sell frozen poultry or rabbit to end consumer at farmer's market, roadside stand. May be sold refrigerated from the farm. * Aquatic animals must be sold alive. 	<ul style="list-style-type: none"> * Jerky * Canned products that are shelf-stable and in hermetically sealed containers such as canned meats or canned seafood * May not sell processed fish, shrimp as an HBV
Tree Nuts and Legumes	<ul style="list-style-type: none"> Peanuts, almonds, cashews, walnuts, pistachios, etc. 	
Syrups	<ul style="list-style-type: none"> Honey, molasses, sorghum, maple syrup 	