

# Miami County Health Department

*Environmental Division*

*25 Court Street, Suite 211*

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## 2012 Home-Based Vendor Requirements

To: Market Masters & Home-Based Vendors (HBV)

In 2009 the Indiana State Legislature passed House Enrolled Act (HEA) 1309. This legislation allows **certain** food products to be made in a private residence with **limited** regulatory oversight that can legally be sold in **only** two specific places.

In order to be considered a Home-Based Vendor (HBV) the following conditions must be met:

1. ONLY NON-POTENTIALLY HAZARDOUS PRODUCTS MAY BE PRODUCED AND SOLD BY AN HBV
2. THESE NON-POTENTIALLY HAZARDOUS PRODUCTS MAY ONLY BE SOLD AT A FARMERS' MARKET OR A ROADSIDE STAND (In order to be considered a "Farmers' Market" or a "Roadside Stand", the venue must meet the definitions set forth by the Indiana State Department of Health)

Examples of non-potentially hazardous foods include, but are not limited to, the following:

- Baked items, such as cookies, cakes, fruit pies, and high-acid fruit jams and jellies
- Candy and confections, such as caramels, fudge, peanut brittle, and chocolate-covered nuts
- Produce that is whole and intact
- Honey, sorghum, and maple syrup

Food products that contain potentially hazardous foods, such as eggs and milk, must be non-potentially hazardous in their final forms.

Any food that requires refrigeration for SAFETY, not merely quality, **is not allowed** to be sold by a HBV. Examples of potentially hazardous foods include, but are not limited to, the following:

- Meat
- Poultry
- Aquatic animal products
- Dairy including, but not limited to, cheese, butter, and yogurt (unless the finished product is considered non-potentially hazardous, such as some baked items)
- Eggs (unless the finished product is considered non-potentially hazardous, such as some baked items)
- Cut melons and tomatoes
- Garlic-in-oil mixtures
- Reduced oxygen packaged products, also known as vacuum packaged products

Raw shell eggs can be sold at a farmer's market or roadside stand ONLY if the vendor has a license from the Indiana State Egg Board AND obtains a permit from the Miami County Health Department. Since eggs are potentially hazardous, vendors who sell these are considered retail food establishments and must be permitted and inspected under the retail food establishment sanitation requirements, rule 410 IAC 7-24.

**Labeling is a key component of HEA 1309.** Labeling is the only mechanism consumers have to inform them that these products were made in a private residence that is not under the regular inspection of the health department with jurisdiction.

In order to be considered a HBV, labeling for packaged products must include the following items:

- Name and address of the producer of the food product
- Common or usual name of the food product

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- Ingredients of the food product in descending order by predominance by weight
- Net weight or volume of the food product by standard measure or numerical count
- The date on which the food product was processed
- The following 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”**

If a food product is not packaged (i.e. bulk items), the food product is considered labeled if easily readable signage accompanying the food product stating all of the above listed items is provided.

Food products provided to consumers as samples are considered labeled when there is a nearby container of the same product labeled nearby.

A HBV is not permitted to sell other commercially prepared products that were not produced in the primary residence from a roadside stand or farmer's market. Examples include pre-packaged chips and cans of pop. The food product of a HBV must be made by an individual in that individual's primary residence.

**Sampling of a HBV food product is allowed as long as the individual practices “proper sanitary procedures”.** These procedures include:

- Proper hand washing (hand sanitizer does not qualify)
- Sanitation of the container or other packaging
- Safe storage of the food product, which includes protection during display and sampling.

**Sampling does NOT include the assembling of two or more HBV food products** to produce an additional food product (i.e. combining home-grown strawberries with home-produced pound cake cannot be combined at the roadside stand or the farmer's market to produce a strawberry shortcake.)

A HBV:

- May only sell non-potentially hazardous food products made in their primary residence with limited regulatory oversight
- May only sell their food products at a farmer's market or roadside stand
- May not sell their products with the intent of being resold
- Must meet the requirements listed in the statute
- May only operate with an exempt status in the state of Indiana

**A HBV who fails to meet any of the above requirements is considered a food establishment and is subject to all applicable food safety laws.**

**For out-of-state vendors, HEA 1309 ONLY applies to Indiana vendors. Food products crossing state lines into Indiana MUST BE PRODUCED IN A LICENSED AND INSPECTED FACILITY.**