

Home Based Vendor Law Guideline July 1, 2022

Indiana House Enrolled Act 1149 allows home based vendors (HBV) to prepare non-potentially hazardous food items at their primary residence. Under this act, in effect July 1, 2022, HBV's are not considered to be retail food establishments and are exempt from many of the regulations for retail food establishments such as licensing and health department inspections.

All HBV's must obtain a food handler certificate from an ANSI accredited institution. The HBV must be able to provide a copy upon request to the state health department, local health department, or end consumer.

All foods must be made, grown, or raised by an individual at the individual's primary residence including any permanent structure that is on the same property as the residence. All foods must be prepared using proper sanitary procedures including: proper handwashing, using sanitized food containers, safe product storage, no animals present in food production area, cleaning and sanitizing all food contact surfaces.

HBV's may only sell their foods at Farmers Markets and Roadside Stands. Roadside stands may consist of a tent, stand, vehicle or trailer that is visible from the road and located not more than 100 feet from the edge of the side of the road. However, they may be sold in person, by telephone, or online. They may be delivered to the end consumer in person, by mail or by a third party carrier within the State of Indiana. If the products are shipped they must be in a sealed package that will ensure no tampering and shipping records must be maintained with the address of the end consumer for at least 1 year after date of sale.

HBV foods may NOT be sold at any other venue including retail food establishments (restaurant's, grocery stores etc.) flea markets, festivals, carnivals or any other event permanent or temporary.

All formulated and prepared food items made by HBV's must be labeled (in 10 point type) "This product is home produced and processed and the production area has not been inspected by the Health Department. **NOT FOR RESALE**". Label's must also list the name of the product, a list of ingredients in descending order of predominance, net weight and volume, and the date which the product was processed. The HBV shall post the label of each food product on the vendor's web site. Product liability is an important consideration for food produced by HBV's. HBV's are advised to contact legal counsel or insurance provider for advice.

The HBV may be subject to inspection or sampling if there is a complaint or if the products are believed to be in violation of this rule.

One of the important goals of HEA 1149 is to allow for the safe production and sale of certain foods that do not present appreciable health risk, and do not allow the production and sale of potentially hazardous foods (PHF's). By definition, PHF's have ingredients, packaging or storage that allows disease causing bacteria to grow, potentially leading to human illness. Foods that have a pH greater than 4.6 and a water activity greater than .85 allow disease producing bacteria to grow are considered PHF's.

The list below is by no means comprehensive and may be used as a guideline. If you have specific questions, please call the Johnson County Health Department at 317-346-4365 or evaluated by an outside expert/consultant.

Food Type	Foods that may be sold by HBV's	Foods that may <u>NOT</u> be sold by HBV's
Baked Goods	Cookies, cakes, fruit pies, cupcakes, bars, yeast breads, fruit breads, baguettes	Foods that contain meat, poultry, aquatic animals, non-baked dairy (cheese, butter, yogurt) non-baked egg containing products or whole shell eggs
Candies and Confections	Caramels, chocolate fudge, peanut brittle, chocolate covered fruits, bon bons, buckeyes, chocolate covered nuts	
Fruit and Vegetables	Unprocessed, whole and uncut items such as cherries, blackberries, cranberries, grapefruit, strawberries, oranges, blueberries, plums, tomatoes, corn, lettuce, green beans, peppers etc. Fruit based jams and jellies (made from various berries or grapes) Fermented pickles that do not require acidification and do not require refrigeration. Fermented foods and salsas that are not considered TCS foods* and are in containers that are not oxygen sealed. Dehydrated herbs.	Canned products that are shelf stable and in hermetically sealed containers such as salsas, chutney, chow-chow, and canned vegetables, Pickled vegetables that are shelf stable Cut tomatoes, leafy greens or melons Garlic in oil mixtures, herb and oil mixtures Raw seed sprouts Fruit butters (apple, pear, pumpkin etc.) No freezer corn Dehydrated fruits Heat treated vegetables
Meat Poultry or Seafood	CONTACT Indiana State Board of Animal Health for specifics via email at animalhealth@boah.in.gov	Canned products that are shelf stable and in hermetically sealed containers such as canned meats and canned seafood. Jerky of any kind.
Nuts, Tree nuts and Legumes	Peanuts, almonds, cashews walnuts, pistachios, etc. Peanut butter and Cashew butter in containers that are not oxygen sealed.	
Syrups	Honey, molasses, sorghum, maple	
Beverages	Apple cider and Kombucha in containers that are not oxygen sealed.	Any other open beverages.
Sauces	Non potentially hazardous/not TCS only	No BBQ sauce.
Other items	Items that are kept cold for quality not safety	
Eggs	In shell chicken eggs only if registered and follow the guidelines of the Indiana State Egg Board via website: https://ag.purdue.edu/ansc/iseb/licensing/	None from duck, quail or turkey
Other		Nothing can be repackaged and sold

* Those items must seek approval from the local health department and meet water activity and pH guidelines set forth by the Indiana State Department of Health.

(Updated for July 1, 2022 season)