HOME BASED VENDORS
Frequently Asked Questions

HOME BASED VENDERS - FAQs

Indiana's House Enrolled Act 1149 was passed in 2022 and defines the requirements for home-based vendors (HBVs) in the preparation and sale of food products. This FAQ document is meant to answer frequently asked questions about the HBV law. If you have further questions, please contact your local health department. The full law may be found in IC 16-42-5.3.

WHAT PRODUCTS CAN BE SOLD BY A HOME-BASED VENDOR?

- Baked items such as cookies, cupcakes, cake pops, bread, and muffins
- Candy and confections such as chocolates, nougats, caramels, chocolate covered nuts
- Whole and uncut produce
- Tree nuts and legumes
- Honey, molasses, sorghum, and maple syrup
- Mushrooms grown as a product of agriculture (it is highly encouraged that those selling wild mushrooms be licensed by a mushroom identification expert)
- Traditional jams, jellies, and preserves made from high-acid fruits and using full sugar recipes (this is the only canned food allowed)

WHAT IS CONSIDERED A POTENTIALLY HAZARDOUS FOOD PRODUCT?

Any food that is natural or synthetic and requires temperature control and potentially hazardous because it is in a form capable of supporting any of the following:

- The rapid and progressive growth of infectious or toxigenic microorganisms
- The growth and toxin production of Clostridium botulinum (botulism)
- The growth of Salmonella enteritidis (raw shell eggs)
- A food of animal origin that is raw or heat treated
- A food of plant origin that is heat treated or consists of raw seed sprouts
- Cut melons, tomatoes, and lettuce
- Garlic-in-oil mixtures that are not modified in a way that results in mixtures that do not support growth described in subsection

WHAT ARE PRODUCTS THAT CANNOT BE SOLD BY A HOME-BASED VENDOR?

- Pickles made by acidification or fermentation if the product is sold in an oxygen sealed container
- "Low acid" and "acidified foods" like pickled green beans, pickled beets, and salsa
- Shell eggs, not from a domestic chicken like duck, quail, and turkey
- Meat products

IS IT NECESSARY TO INCLUDE ALLERGEN LABELING ON MY HBV?

No, it is not necessary.

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WHAT ARE THE LABELING REQUIREMENTS? THE FOLLOWING MUST BE INCLUDED:

- Producer's name and mailing address
- The common name of the food product
- Ingredients of the food product, in descending order by predominance by weight
- Net weight or volume
- The date the food was processed
- The statement, "This product is home produced and processed, and the production area has not been inspected by the state department of health. NOT FOR RESALE."
- If you are selling online, the food product label must be available on your webpage/market website

IF THE VENDOR DOES NOT HAVE A SPACE IN THEIR HOME TO MAKE THE PRODUCT, CAN THEY UTILIZE A LEASED SPACE?

The new law states that products must be made on the vendor's primary residence. Products can, however, be made in a building outside the residence but still on the vendor's property (i.e. barn or shed).

CAN I MAKE MY PRODUCTS IN A RENTED KITCHEN?

No, that is considered a food business and requires a license. HBV products must be produced in your primary residence.

WILL HOME-BASED KITCHENS BE INSPECTED BY THE DEPARTMENT OF HEALTH?

If you follow regulations, you are not subject to regular inspections; however, if the Indiana Department of Health receives any complaints or concerns about non-compliance or food safety issues, the department may inspect your kitchen.

CAN I SELL MY HBV PRODUCTS TO MY LOCAL GROCERY STORE?

No, all products must be sold direct to consumer. Selling through a grocery store is considered wholesale and requires a permit and inspected kitchen.

WHAT IS THE DIFFERENCE IN THE WAY POULTRY MUST BE SOLD AT A FARMERS' MARKET VERSUS A FARM?

- Poultry produced and sold at a farmers' market or roadside stand must be sold frozen
- Poultry produced and sold at a farm must be refrigerated or frozen at the point of sale

WILL I SEE LOCAL HEALTH DEPARTMENT INSPECTORS AT THE FARMER'S MARKET?

Yes, they may be at the market to:

- Inspect general sanitary conditions of the market
- Ensure HBV products are not Potentially Hazardous food products, that products are labeled, and sanitary requirements are met
- Educate market masters and vendors

DO I NEED TO KEEP RECORDS FOR ALL SALES OR JUST THOSE THAT ARE SHIPPED?

Records for products that are shipped/mailed to end users must be maintained for at least one year after the date of sale. These records can be in electronic or paper form.

CAN I SHIP MY PRODUCTS OUT OF STATE?
No, a home based vendor may not ship or deliver food product to an end consumer who is located outside of Indiana.

IF YOU PRODUCE SOME OF THE ITEMS IN A COMMERCIAL KITCHEN, WHAT LAWS GOVERN THE SALE OF THESE ITEMS?
IAC 7-24 "Retail Food Establishment Sanitation requirements."

DOES QUAIL FALL UNDER POULTRY EXEMPTIONS?
No, quail must be inspected before sale.

CAN AN INDIVIDUAL SELL DUCK OR TURKEY EGGS (FOR CONSUMPTION) AT A FARMER'S MARKET? WHAT PERMITTING WOULD BE REQUIRED?

- Eggs are considered a potentially hazardous food item; therefore, the permitting is different
- Any eggs that are not domestic chicken eggs require a permit from the local health department

ARE DEHYDRATED OR FREEZE-DRIED FRUITS AND VEGETABLES ALLOWED?
It depends on the fruit. It is recommended that you reach out to Purdue Food Science for testing and your local health department.

DO EGG SELLERS NEED TO OBTAIN A FOOD HANDLER CERTIFICATE?
No, that is not a requirement.

DO VENDORS HAVE TO COMPLETE THE AMERICAN NATIONAL STANDARD INSTITUTE (ANSI) APPROVED FOOD SAFETY TRAINING IN THE COUNTY THAT THEY SELL IN?
No, that is not a requirement.

CAN I SELL MY PRODUCTS AT MY TOWN FESTIVAL?
If you follow the HBV laws as written in IC 16-42-5.3 AND the festival organizers allow HBVs to participate, then yes. It is not a requirement that farmers markets, fairs or festivals allow HBVs to sell at their event, rather the new law gives them the opportunity to allow it.

WHAT CERTIFICATE IS REQUIRED TO SELL AS A HOME-BASED VENDOR?
All home based vendors are required to obtain a food handler certificate from a certificate issuer that is accredited by the ANSI. Upon request, the home-based vendor must provide a copy of the certificate to the state department or end consumer.

NEED MORE INFORMATION?

- Your local health department
- Indiana Dept. of Health | 317-234-8569
- Indiana Board of Animal Health | 317-544-2400
- Indiana State Egg Board | 765-494-8510
- Purdue Food Science Dept. | 764-494-8256

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