

NEW LAW FOR HOME-BASED VENDORS

If you sell food to an end consumer in the state of Indiana, you are either identified as a Retail Food Establishment or a Home-Based Vendor. Most individuals who sell goods at farmers' markets or roadside stands are operating under home-based vendors laws. Indiana recently passed a new law ([HB 1149](#)) which includes changes that will impact all persons operating as a home-based vendor. This article will help you understand who qualifies as a home-based vendor, which foods home-based vendors are allowed to sell and what has changed in the new law.

Who is a home-based vendor?

Pursuant to newly enacted (effective 7/1/22) code: [IC 16-42-5.3](#), "A home based vendor shall prepare and sell only a food product that is:

- 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
- not a potentially hazardous food product
- prepared using proper sanitary procedures
- not resold (e.g. you must sell to the end user and not to someone who intends to resell; if you did this you must be licensed as a wholesaler).

What products may a home-based vendor sell?

Home-based vendors are allowed to sell non-potentially hazardous foods. Non-potentially hazardous foods are those that do not require refrigeration for food safety. This list of allowable foods has not changed and includes:

- Baked items
- Candy and confections
- Produce, whole and uncut fruit and vegetables
- Tree nuts, legumes
- Pickles processed in a traditional method (e.g. fermentation)
- Honey, molasses, sorghum, maple syrup
- Mushrooms grown as a product of agriculture (wild mushrooms should be certified)
- Traditional jams, jellies and preserves made from high-acid fruits and using full sugar recipes (This is the only home-canned food allowed.)
- Dehydrated fruits and vegetables

There may be other potential products that are acceptable. For specific guidance contact your local health department.

What are the labeling requirements?

All food products produced by home-based vendors must include the following information:

- The name and address of the producer
- The common or usual name of the food product
- The ingredients of the food product, in descending order by predominance by weight
- The net weight and 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 Indiana Department of Health.”

What has changed under the new law?

Two major changes under the new law include 1) how and where products can be sold and 2) the addition of requirements for food handler training.

1. How or where can a home-based vendor sell products? Home-based vendors may now sell their product:
 - In person, by telephone, or through the Internet and
 - Delivered to the end consumer in person, by mail, or by a third-party carrier.
 - All HBV products can only be shipped within Indiana and are not allowed to be shipped across state lines.
2. All home-based vendors must “obtain a food handler certificate from a certificate issuer that is accredited by the American National Standards Institute” (ANSI). ServSafe Food Handler training fulfills this requirement. This certification is valid for three years. You have training options to fulfill this requirement.
 - The Purdue Extension Food Safety Team is preparing a series of in-person food handler trainings. Call your local Purdue Extension office or visit www.purdue.edu/servsafe/workshops to find classes as they are scheduled.
 - For those who prefer an online option, the ServSafe Food Handler training can be taken online at www.servsafe.com.

HB 1149 allows exemptions from the requirement to have a Retail Food Establishment Permit when selling at a Farmers market or Roadside Stand for:

- In-shell chicken eggs sold to the end consumer. You must be registered with the Indiana State Egg Board and follow the packaging, labeling and refrigeration requirements.
- Poultry and Rabbit sold to the end consumer:
 - Must be frozen at point of sale if sold at farmers' markets or roadside stands
 - Must be refrigerated if sold on-farm
- The Indiana Board of Animal Health (BOAH) regulates the slaughter and processing of poultry and poultry products. An individual seeking to engage in these activities should contact BOAH regarding additional requirements.
- Rabbits must include a label that contains the following information:
 - Name and address of the producer
 - Common or usual name of the food product
 - Ingredients of the food product
 - Net weight and volume of the food product
 - Date on which the food product was processed
 - Statement of exemption (for example, the phrase "Exempt under IC 16-42-5-29)
 - 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 Indiana Department of Health."

**This document is based on the information available at the time of printing.