

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.

Labeling requirements for food produced by HBVs

All HBV foods must have:

- The name and address of the HBV
- The name of the product
- The date it was prepared
- The ingredients listed in order of predominance by weight
- The weight or volume of the package
- The 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."

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. Purdue food scientists, Dr. Richard Linton (linton@purdue.edu) and Dr. Kevin Keener (kkeener@purdue.edu) are also available to answer questions.
4. A special link has been created on the Purdue Food Science website: <http://www.ag.purdue.edu/foodsci/Pages/N-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.

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Home Based Vendor Rule



Indiana House Enrolled Act 1309



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

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A major change in Indiana food rules

In 2009, Governor Mitch Daniels signed into law House Enrolled Act 1309, which **allowed certain food products to be made in a private residence and then be legally sold in two specific public places.**

Home based vendors (HBVs) can now make non-potentially hazardous foods in their homes and sell them at **farmer's markets** and **roadside stands**.

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

Potentially hazardous foods (PHFs) such as meat, eggs, or temperature-controlled home prepared foods still cannot be sold by a home based vendor without permits and inspections 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. (Foods that have a pH greater than 4.6 and a water activity greater than 0.85 allow harmful bacteria to grow and are considered to be PHFs.)

Following is a list, which is by no means comprehensive, 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 <u>NOT</u> be sold by HBVs
Baked Goods	Cookies, cakes (not needing refrigeration), fruit pies, cupcakes, yeast breads, fruit breads, baguettes	Food that contain meat, poultry, aquatic animals, non-baked dairy (cheese, butter, yogurt), non-baked egg-containing products. Cheesecakes. Whole eggs may not be sold by HBVs
Candies and Confections	Caramels, chocolate, fudge, peanut brittle, chocolate covered fruits, bonbons, buckeyes, chocolate covered nuts	
Fruit and Vegetables	Unprocessed, whole uncut items such as cherries, blackberries, cranberries, grapefruit, strawberries, oranges, blueberries, plums, tomatoes, corn, lettuce, green beans, peppers, etc.	Canned products that are shelf-stable and in hermetically sealed containers such as salsas, chutney, chow-chow, and canned vegetables Pickled vegetables (beets, pickles) that are shelf-stable

	Fruit-based jams and jellies (made from strawberries, blueberries, grapes, raspberries, blackberries, etc.) Fermented pickles that do not require acidification or refrigeration	Cut tomatoes and cut melons Garlic-in-oil mixtures, herb and oil mixtures Raw seed sprouts Fruit butters (pear, pumpkin, etc.)
Meat, poultry, seafood	None may be sold by a HBV	Canned products that are shelf-stable and in hermetically sealed containers such as canned vegetables, canned meats, and canned seafood
Tree Nuts and Legumes	Peanuts, almonds, cashews, walnuts, pistachios, etc.	
Syrups	Honey, molasses, sorghum, maple syrup	