Home Based Vendor Guidelines

Brief Overview
In May 2009 the Indiana legislators passed House Enrolled Act (HEA) 1309. This new Act excludes Home Based Vendors (HBV) from the definition of Retail Food Service Establishment and exempts them from the regulations of retail food establishments such as registration, licensing, and health inspections. HEA 1309 allows for the production and sale of certain foods that do not present an appreciable public health risk but does not allow the production and sale of foods that may create a public health risk, also called “potentially hazardous foods” (PHFs).

Whom or What is Considered a Home Based Vendor (HBV)?
A home based vendor is defined as: An individual vendor of a farmer’s market or roadside stand if the individual vendor’s food product:
1) is made by an individual in the individual’s primary residence;
2) is not a potentially hazardous food product;
3) is prepared by an individual who practices proper sanitary procedures including: proper hand washing, sanitization of the container or other packaging in which the food product is contained; and safe storage of the food product.

Examples of Foods that Can Be and Cannot Be Sold by HBVs
An important aspect of HEA 1309 is that PHFs are not to be sold by HBVs. The definition of a PHF is a food that is natural or synthetic and requires temperature control because it is in a form capable of supporting any of the following:
1) the rapid and progressive growth of infectious or toxigenic microorganisms,
2) the growth and toxin production of Clostridium botulinum,
3) in raw shell eggs, the growth of Salmonella enteritidis;
   and the term includes the following:
   1) a food of animal origin that is raw or heat treated,
   2) a food of plant origin that is heat treated or consists of raw seed sprouts,
   3) cut melons, or
   4) garlic in oil mixtures.

Table 1 (next page) provides some examples of foods that can be sold and foods that may NOT be sold by HBVs. This list is by no means comprehensive of all of the products that we may find at farmers markets and roadside stands. If you have specific questions about your product, you should contact your local health department.

Where can foods prepared by HBVs be sold?
Foods prepared by HBVs may only be sold at farmers’ markets and roadside stands. HBV foods may not be sold at any other venue including retail food establishments (example: foodservices, restaurants, grocery stores, or gas stations), festivals, fairs, carnivals, or any other event and may not be delivered.

What are the Labeling Requirements of Foods Produced by HBVs?
All foods produced by HBVs must be labeled with 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.” Labels must also contain other information to include: the name and address of the producer of the food product; the name of the food product; the ingredients in the food product in descending order by weight; net weight and volume of final product or numerical count; and date on which the product was processed.