

New Law for Home-Based Vendors

If you sell food to an end consumer in the state of Indiana, you are either established as a Retail Food Establishment or a Home-Based Vendor. Most individuals who sell goods at farmer's markets or roadside stands are operating under home-based vendor 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, not 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
- 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.)

Exceptions:

- In-shell chicken eggs can be sold if you are registered under and follow the guidelines of the Indiana State Egg Board
- Poultry and Rabbit
 - Must be frozen at point of sale if sold at farmers' markets or roadside stands
 - Must be refrigerated if sold on-farm
 - Contact Indiana State Board of Animal Health (BOAH) for further specifics
- Eggs, poultry and rabbit may only be sold at farmer's markets and roadside stands

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
 - sale and delivery is limited to within the state of Indiana
 - this does not apply to eggs, poultry and rabbit which may only be sold at farmer's markets and roadside stands
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 two 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 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 [**servsafe.com**](http://servsafe.com)