

Beekeepers,

There is a new law in Indiana that affects Home Based Vendors. Below are several notices about the changes and a link to a UTube webinar to learn more about the requirements of the new home-based vendor 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.

The biggest change to how and where products can be sold is: All HBV products can only be shipped within Indiana and are not allowed to be shipped across state lines.

There are three categories of honey producer/sellers:

1. a wholesale food establishment (WFE) operated under 410 I AC 7-21 and IC 16-42-5
2. a retail food establishment (RFE) operated under 410 I AC 7-24 and IC 16-42-5; and
3. a vendor operating under IC 16-42-5-29 (**Home Based Vendor “HBV”**). - most of us fall under the HBV category

Per the new law effective July 1, 2022, all home-based vendors will be required to obtain a food handler certificate. Currently, there are two options: attend a half-day food handler course and take the ServSafe assessment through a Purdue extension office priced at \$40 price includes a food handler guide, or attend the online ServSafe Food handler course which includes the assessment for \$15. Once you pass the test there is no further access to the food handler course. I did find a discount code that brings the online price down to \$12 with discount code employee20 I am not sure how long the discount code will stay active.

At the beginning of the course it states it should take approximately 2 hours to complete the course modules. It does not allow you to fast forward. It does allow you to review previous modules, pause, and resume without issue. I found the online course to be one of the better online courses I have taken. There is a 50 question assessment at the end of the course. I found most of the questions had obvious answers. The ServSafe Food Handler Certificate is valid for 3 years.

Online Food Handler ServSafe link:

<https://www.servsafe.com/ServSafe-Food-Handler>

## **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 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 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](http://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)

Visit our homepage at [www.extension.purdue.edu/putnam](http://www.extension.purdue.edu/putnam) or you can contact the local office by calling 765.653.8411 for more information regarding this week's column topic or to RSVP for upcoming events. All times listed are Eastern Time. Purdue University is an equal access/equal opportunity/affirmative action institution.

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- 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:

1. The name and address of the producer
2. The common or usual name of the food product
3. The ingredients of the food product, in descending order by predominance by weight
4. The net weight and volume of the food product by standard measure or numerical count
5. The date on which the food product was processed
6. 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."

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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 [purdue.edu/servsafe/workshops](http://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](http://www.servsafe.com).

**HB 1149 allows exemptions from the requirement to have a Retail Food Establishment Permit when selling at a Farmersmarket 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 IC16-42-5-29)
- 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.

## UTube Webinar Overview of the New Home-Based Vendor Law in Indiana

Home-based vendors can watch an hour-long webinar to learn more about the requirements of the new home-based vendor law, HB 1149. This law expands marketing options for home-based vendors in Indiana, while also requiring vendors to attend a food safety training course. Participants will hear from regulators from the Indiana Department of Health, Board of Animal Health, and Indiana Egg Board. Purdue Extension will also share information about training and resources available to home-based vendors. This webinar has been recorded for those who cannot attend.

<https://www.youtube.com/watch?v=5Vpnj8sYEz0>