

ADDITIONAL HBV INFORMATION

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. Warrick County Health Department — (812) 897-6105
2. Indiana State Department of Health Food Protection Program – (317) 233-7360
3. Warrick County Purdue Extension (812) 897-6100 or by e-mail bailey1@purdue.edu
4. A special link has been created on the Purdue Food Science website: <http://www.ag.purdue.edu/foodsci/Pages/IN-HEA-1309-info.aspx>. Here you will find a list of frequent ly asked questions, the guidance document prepared by the Indiana State Department of Health, and a copy of the rule, HEA 1309.

PURDUE | **LOCAL FACES**
EXTENSION | *COUNTLESS CONNECTIONS*

Purdue Extension Warrick County
107 W Locust St, Suite 111
Boonville, Indiana 47601
Phone (812) 897-6100
Fax (812) 897-6102
www.ag.purdue.edu/counties/warrick

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

HOME-BASED VENDOR RULES

Warrick County
Farmers Market
Resource Guide



*INDIANA HOUSE
ENROLLED ACT
1309 and 1312*

MAJOR CHANGE IN INDIANA FOOD RULES

The 2009 House Enrolled Act 1309 **allows 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.** Potentially hazardous foods (PHFs) such as 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.)

Frozen meats (beef, pork, lamb, seafood) to be sold at the market must be processed in a properly licensed facility. It must be inspected and labeled according to the State Department of Health rules. **2012 House Enrolled Act 1312 allows poultry sales at the farmers market** if certain conditions are met. Conditions state meat must be frozen at point of sale, specific labeling requirements, and producer must be processing less than 1,00 birds annually. Complete conditions can be found here: <http://www.in.gov/legislative/bills/2012/HE/HE1312.1.html>

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	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	Foods 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	(Cont.)	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.)	
			Tree Nuts and Legumes			Peanuts, almonds, cashews, walnuts, pistachios, etc
			Syrups			Honey, molasses, sorghum, maple syrup
Candies and Confections	Caramels, chocolate, fudge, peanut brittle, chocolate covered fruits, bonbons, buckeyes, chocolate covered nuts		Meat, poultry, seafood	Frozen meats (beef, pork, lamb, goat, seafood) to be sold at the market must be processed in a properly licensed facility. Frozen poultry must meet conditions set forth in House enrolled act 1312.	Canned products that are shelf-stable and in hermetically sealed containers such as canned vegetables, canned meats, and canned seafood.	
			Fruit and Vegetables	Unprocessed, whole uncut items such as cherries, blackberries, cranberries, grapefruit, strawberries, oranges, blueberries, plums, tomatoes, corn, lettuce, green beans, peppers, etc. Pickled vegetables (beets, pickles) that are shelf-stable		