**A Short Reference Document for HBV’s- 2024**

Morgan County Health Department Contacts:

Sharon Pogosoff

[spogosoff@morgancounty.in.gov](mailto:spogosoff@morgancounty.in.gov)

765-342-6621

Elizabeth Young

[eyoung@morgancounty.in.gov](mailto:eyoung@morgancounty.in.gov)

765-342-6621

Website: <https://morgancounty.in.gov/topic/index.php?topicid=126&structureid=47>

There is an entire page of info & links for Farmer’s Market Questions, including labeling requirements, allowed products, & contacts for various permits.

**Where to Sell Your Products**

The new Farmer’s Market Rule, aka “HEA 1149”, became effective 7-1-2022. Not much changed in the types of foods you can sell. *You will still not be able to sell to or in Retail Food Establishments.* You can now mail/ship your products (if mailed/shipped you must retain information on where the products were sent for one year). You may only sell/ship your products INSIDE Indiana. You may take orders and deliver your products.

**Certified Food Handler**

Each HBV must acquire an ANSI-Certified Food Handler Certificate (3 years) and the certificate is required to be given to the LHD in the county of residence. Please see the list of approved vendors on our Farmer’s Market webpage.

**Primary Residence**

The HBV may only use their primary residence as a site to prepare the HBV products. Vendors are required to use sanitary practices, including proper handwashing, sanitizing containers and packaging, storing food products safely, restricting pets from food production & packaging areas, and cleaning and sanitizing surfaces that come into contact with food and food preparation.

**Samples**

In Morgan County, we do not require a food permit for sampling non-PHF/non-TTCS foods, but we do require that it be done in a food-safe manner: have a handwash station, use gloves or tongs (no bare-hand contact of ready-to-eat foods), and keep food covered to protect from contamination.

**Mushrooms**

Farmed/cultivated: no requirement for identification by mushroom identification expert. These are recognized as produce.

For HBV’s: It is heavily encouraged to have wild, foraged mushrooms identified by a certified mushroom identification expert.

For wholesale to retail food establishments (not as an HBV): It is REQUIRED to have the wild, foraged mushrooms identified by a mushroom identification expert. You can be the expert! Classes can be found here: <https://hoosiermushrooms.org/>

**Eggs**

Chicken eggs: permits required through the Indiana Egg Board: <https://ag.purdue.edu/ansc/iseb/>

Duck, quail, ostrich, or any other type of shell egg: Call Morgan Co. Health Dept to obtain a “Farmer’s Market Permit”, as these are regulated in the same way as meat sales that are not covered by HBV rules for poultry or rabbits. A Farmer’s Market Permit is a **RETAIL FOOD PERMIT**. You may not act as both a retail food establishment and as an HBV.

**Apple Butter and Other Fruit Butters**

No fruit butters may be sold due to pH issues with fruit and the density of the product which makes it difficult to process evenly and safely. No pear butter, no pumpkin butter, etc.

**APPLE BUTTER** may not be sold by an HBV **UNLESS** it has been tested for pH to meet the standards for a non-potentially hazardous food. After testing, the recipe may not be altered. Apple butter has been deemed to be questionable by IDOH because many hybrid apples do not have the appropriate pH to qualify as a high-acid fruit. There is no definitive list of which apples are hybrids. You must keep your testing paperwork with you at all sales areas and produce it on demand to prove that your product is safe.

No hot water bath canning on these products.

**Simple Syrups**

Only high acid fruits may be used, and the proper water activity and pH are produced by simmering the fruit, cinnamon, ginger, cloves and water, and may include an ingredient to adjust the pH level (as with elderberries). Common fruits used: blueberries, cranberries and rhubarb.

These products may not be oxygen-sealed, and no health claims are allowed.

**Special Processes:**

Dehydrators: This is a heat treatment/process, (~130°F), that could render an item of produce that is not a high-acid fruit (pH<4.6) to be a potentially hazardous food under IC 16-42-5-29. HBVs may not sell a PHF even if it has been dehydrated to remove some degree of moisture.

Freeze-drying: Only if the package is NOT SEALED. This is likely pointless, as the food will reabsorb moisture from the atmosphere & mold very quickly. Freeze-dried, uncut berries (marble-sized) & freeze-dried manufactured confectionery items & candies were approved in 2023

**Alternative:** Have your product tested by Purdue, which is a Process Authority (765-494-7997)

Takeaways: No cooking/heating processes

No sealed containers. Ever.

Baggies are ok- when in doubt, go for the thin, cheap ones.

**Home Canning**

Home canning is not allowed for HBVs in Indiana. The law is very clear on this. If you wish to can/retort on a retail or wholesale level, please contact the MCHD for more information.

**HBVs are not RFEs**

Please keep in mind that Farmer’s Market HBVs are not under the authority of the local Health Departments unless they do not do their HBV thing properly! You must label properly (please see below) in order to avoid falling into the realm of Retail Food Establishments. You may not combine foods at the market to make a final product. You may not sell potentially hazardous foods that do not qualify under IC 16-42-5-29 (i.e., the salsa rule).

**You can not be both an RFE and an HBV**- selling chicken eggs is the exception- but duck eggs, quail eggs, goose eggs- these require a retail food permit- the Farmer’s Market Permit that covers sales at both the farm and the farmer’s markets.

**Labeling of Products**

WHAT ARE THE LABELING REQUIREMENTS?

THE FOLLOWING MUST BE INCLUDED:

* Producer’s name and mailing address
* The common name of the food product
* Ingredients of the food product, in descending order by predominance by weight
* Net weight or volume
* The date the food was processed
* The statement, “This product is home-produced and processed, and the production area has not been inspected by the state department of health. NOT FOR RESALE.”
* If you are **selling online**, the food product label must be available on your webpage/market website
* The IDOH has directed LHDs to **remove from sale any unlabeled HBV products**- so this should not come as a surprise should it occur.
* Please note that with a new food code this year, retail foods will be required to begin labeling allergens in packaged and unpackaged foods. It is currently unclear whether HBVs will fall under this rule, but please keep it in mind. **The 9** **major food allergens** are milk, eggs, nuts, fish, crustaceans, shellfish, wheat, soy, and sesame.

**Placards in Place of Labeling Each Product**

In Morgan County, you may only placard items intended to be consumed on-site. They may not be wrapped for storage- i.e., a tray of cookies/brownies/pastries sold individually for immediate consumption.

**Items Currently Under Review by IDOH**

Extracts- concerns with alcohol content and sealing of the bottles

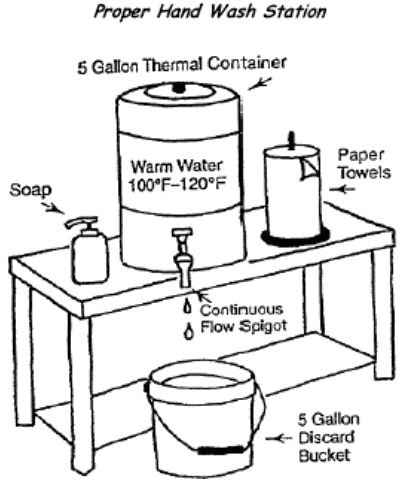
Tinctures- concerns with alcohol content and health claims

Anything CBD-related-> That’s a no in Indiana

Cheese breads- guidance is under review, currently a no without product testing

**All Other Questions:**

Please contact the Morgan County Health Department at 765-342-6621 or email [spogosoff@morgancountyin.gov](mailto:spogosoff@morgancountyin.gov) or [eyoung@morgancounty.in.gov](mailto:eyoung@morgancounty.in.gov) to ask any questions that come up. Please check on new products if you’re not sure they’re allowed. If we don’t know the answer, we’ll get an answer from IDOH for you! We have worked well with the Farmer’s Markets for several years and would very much like it to remain a calm, friendly, non-stressful venture for all parties involved.



**HBV Food Sales- Approved Vs. Unapproved List**

|  |  |  |
| --- | --- | --- |
| **Type of Food** | **Non-potentially hazardous/Non-TTCS (May be sold by HBV)** | **PHF/TTCS (may NOT be sold by HBV)** |
| Baked goods | Cakes, cooked fruit pies, cookies, brownies, cupcakes, crackers, muffins, fruit turnovers  Dried egg noodles  Popcorn/Popcorn Balls | Products containing meat, poultry, aquatic animals  Non-baked dairy products (yogurt, cheese, butter)  Non-baked, egg-containing products and fresh shell eggs  Sugar cream, custard, and pumpkin pies |
| Fruits & Veg | Unprocessed, whole, uncut produce | Any cut produce  Raw seed sprouts |
| Fermented vegetables | Non-fermented, pickled vegetables that are acidified (if you add any acid (vinegar), these are not fermented vegetables)  Garlic in oil mixtures  Herb & oil mixtures |
| Fruits/Canned Fruits | Traditionally prepared, full-sugar fruit-based jams & jellies using high-acid fruits | Fruit butters (apple, pear, pumpkin) and low-sugar or no-sugar added jams & jellies  Persimmon pulp, Pawpaw butter  Pepper butter |
| “Canned” Foods | Only naturally acidic products (natural pH<4.6)- see the “Salsa Document”  Some other non-chunky sauce products using ONLY manufactured ingredients (bbq sauce)  No oxygen-seals of products  **The pH of all food products should be verified before sale. Botulism risk!** | Acidified & low-acid canned foods (Canned veg, salsas, chutney, chow-chow, pickles, beets, pickled veg)  Foods in reduced-oxygen packaging (vacuum-packaging) |
| Meat, Poultry, Seafood | NO. | All meat, poultry, or aquatic animal products |
| Eggs | NO. | Shell eggs of any type |
| Syrups | Honey, maple syrup, sorghum, molasses | \_ |
| Tree Nuts & Legumes, Coffee & Tea | Peanuts, almonds, pistachios, cashews, walnuts, trail mix  Roasted, ground coffee beans, herbs, or teas | \_ |
| Candies & Confections | Caramels, chocolates, fudge, peanut brittle, chocolate-covered whole fruits and/or nuts, bonbons, maple cream, taffy, fruit leather, hard candy | \_ |
| Mushrooms | Farmed or foraged (ID by mushroom expert before sale to RFE is required) | \_ |
| Value-Added Products | Honey, Sorghum, Molasses, Maple Syrup, Syrups made with high acid fruit in sugar | \_ |
| Freeze-Dried Products | Uncut berries (marble sized)  Manufactured confectionery items | Everything else |