Indiana Department of Health

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Governor

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State Health Commissioner

MEMORANDUM

Date: May 26, 2026
To: Local Health Departments
From: Indiana Department of Health Food Protection Division
Subject: Farm and Homestead Food Sales

In March, Indiana legislators passed House Enrolled Act 1424 (Farm and Homestead Food Sales), which created new statutes (IC 16-42-5.4) governing the products that can be produced and sold to the direct end consumer.

Please note that although new categories of home food processors have been established, all statutes for home-based vendors (IC 16-42-5.3) remain in force.

The new statues under IC 16-42-5.4 apply to homestead vendors and small farm operators. Under these statutes, operators complying with all requirements are not subject to additional regulations enforced by local or state government authorities, except in cases where local or state authorities are enforcing federal law.

This document was created to identify statute overlaps and provide additional clarification regarding homestead and small farm vendor operations before HEA 1424 goes into effect July 1, 2026.

HEA 1424 only encompasses exemptions for food products intended to be consumed by humans. Pet food (including raw animal milk) regulations have not changed, and inquiries should be directed to the Office of Indiana State Chemist. Inquiries on alcohol-based beverage production should be directed to the Indiana Alcohol and Tobacco Commission.

Definitions

Terms used in this document have the following context:

Approved means acceptable to the regulatory authority based on a determination of conformity with the principles, practices, and generally recognized standards that protect public health.

Delivery means the transfer or handover of goods or product to a predetermined destination.

A **farmers market**, for purposes of this rule, means a public marketplace where two or more farmers, growers, or producers gather to sell goods directly to consumers.

A **homestead vendor** means a person that prepares and sells food products or meat products from:

(1) Property or at a farmers market; and
(2) Which the person does not receive more than $1.5 million in gross sales from food products or meat products in a single year.

Meat product means a product capable of use as human food that is made wholly or in part from meat or other parts of the carcass of any of the following:

(1) Cattle
(2) Sheep
(3) Swine
(4) Bison
(5) Poultry
(6) Goat
(7) Rabbit

Online sale means the process of selling goods or products through e-commerce websites, or mobile apps.

Produce means any agricultural or naturally occurring product that is:

(1) Grown, cultivated, raised, or harvested for human consumption; and
(2) Not prohibited by state or federal law.

This includes: Eggs (excluding domestic chicken eggs), mushrooms, fruits, vegetables, etc.

Domestic chicken eggs require permitting under USDA requirements through the Indiana State Egg Board.

Primary residence means the home where a person lives for a majority of the year and is considered their main home rather than a vacation home or investment property.

Prepared foods means any food that has been processed, cooked, or assembled for quick consumption:

- *Pre-packaged meals (meals prepared and sealed for later consumption)*
- *Deli items (sandwiches, salads, etc.)*
- *Ready-to-eat snacks (snack cups, cheese and crackers, etc.)*
- *Meal kits*

Property means land owned or leased by a homestead vendor or the owner of a small farm that is either the homestead vendor's or the owner of a small farm.

(1) Primary residence; or
(2) Agricultural property

Poultry means the following:

(1) Chicken
(2) Turkey
(3) Duck
(4) Geese
(5) Guineas
(6) Ratites
(7) Squab
(8) Any other amenable avian species regulated under IC 15-17-5.

Roadside stand means a structure, including a tent, stand, vehicle, or trailer that is:

(1) Visible from a road; and
(2) Located not more than 100 feet from the edge of the side of the road; where whole uncut produce, food products that are non-TCS, poultry that is exempt under IC 15-17-5-11, rabbits, or eggs permitted for sale by the state egg board are sold to an end consumer.

Small farm means land:

(1) That is used primarily for growing crops or raising livestock;
(2) From which a person prepares and sells food products and
(3) From which not more than one million five hundred thousand dollars ($1,500,000) in gross sales is received from:
    (a) Meat products;
    (b) Cultivated or harvested crops; or

(c) The sale of food products; in a single year.

Third party carrier means a delivery operation which takes product from a business to the end consumer.

Indiana Home and Small Farm Food Processors		
Homestead Vendor	**Small Farm Operator**	**Home Based Vendor**
Authorized by 2026 Public Law 163	Authorized by 2026 Public Law 163	Authorized by 2022 Public Law 49
(1) **Meat products*** (2) **Prepared foods**, * (3) Baked goods (4) Candy (5) **Produce** * (6) Natural Sweeteners (7) Fruit spreads	(1) **Meat products*** (2) **Prepared foods**, * (3) Baked goods (4) Candy (5) **Produce** * (6) Natural Sweeteners (7) Fruit Spreads	Non-TCS Foods
Restricted to conducting operation on **property**	Restricted to conducting operation on a **small farm**	Restricted to conducting operation in a **primary residence**
Restricted sale locations: • **Property** • **Farmers market** • Online • Delivery	Restricted sale location: • **Small farm** • **Farmers market** • Online • Delivery	Restricted sale location: • In-person (at markets and events) • **Roadside stand** • Online • Delivery • Third party carrier
Must sell to the direct end consumer	Must sell to the direct end consumer	Must sell to the direct end consumer

If product is shipped or delivered, a food handler certificate through an ANSI accredited certificate issuer required.	If product is shipped or delivered, a food handler certificate through an ANSI accredited certificate issuer required	A food handler certificate through an ANSI accredited certificate issuer required.
One million, five hundred thousand ($1,500,000) dollars in annual gross income restriction	One million, five hundred thousand ($1,500,000) dollars in annual gross income restriction.	No annual gross income restrictions

May be subject to federal regulations
Words identified in **BOLD** are further defined under "Definitions."

General Requirements for Homestead Vendors or Owners of Small Farms

A homestead vendor or the owner of a small farm may sell the following items primarily derived from the small farm or primary residence directly to an end consumer:

(1) Meat products*:
  (a) Raised at the individual's property; and
  (b) Slaughtered, processed, and labeled in compliance with IC 15-17-5
(2) Prepared foods*, including baked goods
(3) Candy
(4) Produce*
(5) Natural sweeteners
  Fruit spreads

**may be subject to federal regulations*

Prior to producing prepared foods, please note that many prepared food products are subject to federal regulations, as outlined by the United States Department of Agriculture, Food Safety and Inspection Service (FSIS) regarding cooked/raw meat prepared food items. Covered food products may include: whole eggs (dehydrated, freeze dried, etc.), meat/tallow broths, meat pizza, lasagna, casseroles, meat pies, open face sandwiches, etc.

Labeling

A homestead vendor or the owner of a small farm shall include a label for packaged or a sign for unpackaged food products that contain the following:

(1) The name of the homestead vendor or owner of the small farm that produced the product.
(2) The address of the homestead vendor or the owner of the small farm that produced the product.
(3) The ingredients of the homemade food product, in descending order by predominance by weight.
(4) A description of the homemade food product.
(5) A description of allergens that might have come in contact with the homemade food product.
(6) The following statement in at least 10-point type: "This product was produced by a homestead vendor or the owner of a small farm that is exempt from government licensing and inspection."

Please note that not all foods produced under this bill will require packaging based on the products identified under the general requirements section of this document.
Example: Produce (whole, uncut)

Carol's Carousel
Address: 1234 Carousel Ln., Candid, IN 12345
Ingredients: Water, Strawberries, Sugar, Lemon Juice, Pectin
Strawberry Jam
May contain: milk, eggs, soy, wheat, nuts
Net Wt. 17 OZ (485g)
"This product was produced by a homestead vendor or the owner of a small farm that is exempt from government licensing and inspection"

Point of Sale

A homestead vendor or small farm owner may only sell products directly to the end consumer, either directly from their property, their small farm or at a farmers market. Homestead vendors or small farm owners who do not comply with this requirement may be considered an unlicensed retail food establishment or an unlicensed wholesale food establishment.

If a homestead vendor is found selling beyond the end consumer, 21 CFR 117 applies. Under IC 16-42-1-6 a manufacturer, processor, re-packager, or wholesale distributor of food must register as a wholesale establishment with the Indiana Department of Health and comply with 21 CFR 117. A homestead vendor or small farm must only sell produce with an annual gross income of less than $25,000 to be exempt from the federal produce safety rule for produce intended to be consumed raw. Annual sales in an amount above $25,000 are subject to inspection. Please contact the Indiana Department of Health Food Protection Division Produce Team at ProduceSafety@health.in.gov for more information.

Shipping Requirements

A homestead vendor or owner of a small farm may ship or deliver food products within the State of Indiana if the operator:

- Obtains a food handler certificate from an American National Standards Institute (ANSI) accredited certificate issuer
- Ships the product in sealed packaging
- Keeps meat products refrigerated in a manner consistent with best food handling practices
- Ensures the products are handled, refrigerated, transported, and stored in a manner that prevents contamination and adulteration

Food products may not be shipped or delivered to an end consumer who is located outside of the State of Indiana. Interstate commerce is governed under federal law and requires registration with the Indiana Department of Health as a manufactured foods business and compliance with 21 CFR 117.

Display and Sampling Product

Homestead vendor and small farm operator products shall be packaged and sold in accordance with labeling requirements. Food requiring packaging (meat, prepared foods, baked goods, candy, natural sweeteners, and fruit spreads) shall be prepared and packaged at the property or small farm prior to delivery, shipping, or transport to farmers markets. The product being sold cannot be manipulated after packaging at the property or small farm.

Product manipulation can include any of the following actions: serving, stirring, cutting, removing finished product from original packaging, ladling, cooking, reheating, pickling, drying, cooling, peeling, pouring, re-packaging, combining ingredients, canning, marinating, fermenting, acidifying, dicing, chopping, rehydrating, etc.

Enforcement

If all home-based vendor, homestead vendor, or small farm requirements are not met, the home-based vendor, homestead vendor or small farm operator will be considered an unlicensed retail food establishment subject to 410 IAC 7-26.

Upon receipt of a foodborne illness complaint related to a homestead vendor or small farm operator, the Indiana Department of Health or local health department may investigate.

Note: A local health department and state department of health may not be more restrictive of public law. Farmers markets are owner operated and can be more restrictive than state law in terms of allowing different products to be sold at their market.