



HOME BASED FOOD BUSINESSES

In New York State, home food businesses are regulated by the NYS Department of Agriculture and Markets. The regulations for a home food business are specific, but allow small scale businesses to exist without the same strict regulations as a food processor or a retail food establishment. The regulation allowing such home food businesses comes under Section 276.3 of the New York State Agriculture and Markets law.

“Home processed food shall mean any food processed in a private home or residence using only the ordinary kitchen facilities of that home... but shall exclude potentially hazardous foods.”

To be a license-exempt home based food business, the following rules applies:

1. Apply for a 20C exemption from the NYS Department of Agriculture and Markets and complete/pass a kitchen inspection/registration.
2. Equipment must be standard home kitchen facilities.
3. Comply with NYS labeling laws, which require the following on each label: identity of food in package, name of business, full address of business, ingredient declaration in descending order of predominance by weight, and a net quantity of contents.
4. All product containers are clean and sanitized.
5. Foods must be neither adulterated nor misbranded.
6. Glass containers are provided with suitable rigid metal covers.
7. Kitchen facilities are clean and all household pets are excluded from the kitchen during processing.
8. Well water must be tested for potability (Coliform and E. coli) prior to inspection and exemption being granted. Testing must be repeated annually.

Foods that are allowed under a home based, 20C Exemption, are limited to non-hazardous foods. These include:

- Bakery products: bread (excluding breads containing fruits or vegetables), rolls, cookies, brownies, fudge, double crust fruit pies and cakes which do not require refrigeration
- Traditional fruit jams, jellies, marmalades or similar products
- Candy, excluding chocolate candy
- Repackaging commercially dried spices or herbs
- Snack items such as popcorn, caramel corn, and peanut brittle
- Maple syrup and honey, as long as it is exclusively your own, and contains no added substances such as flavorings in honey sticks or mustards.

Some foods are expressly *prohibited* with a 20C Exemption home based food business. These are foods that require refrigeration or have added ingredients that would make it potentially hazardous. This includes, but is not limited to:

- Fruit/vegetable breads, such as zucchini or banana breads
- Relishes
- Pickles
- Cheesecakes and other cakes requiring refrigeration
- Vegetable oils
- Wine jellies
- Butters
- Pies containing milk, eggs or meat products
- Low acid and acidified foods, such as pickles and sauces

Sales of home processed foods are limited to local venues, such as farm stands, farmers markets, direct delivery, etc. No home processed foods may be sold via the internet. Home based businesses are also prohibited from promoting home processed foods via the internet. No web address or social media page can be added to the product label or used in any way to promote home processed foods.

Home grown, unprocessed, raw produce does not require a home processing exemption. Even minimal processing, such as slicing melons or splitting hard squashes is not permitted as a 20C exempted food.

For information and applications for a 20C exemption, contact the following Regional Offices:

Albany: 518-457-5459

Buffalo: 716-847-3185

New York City: 718-722-2876

Newburgh: 845-220-2047 X11

Rochester: 585-427-2273

Syracuse: 315-487-0852

