

# IOWA STATE UNIVERSITY

## Extension and Outreach



## Regulations and Licensing

### HOME FOOD OPERATIONS AND HOME BAKERIES IN IOWA

The state of Iowa has laws and guidelines for residents who produce prepared food at home and distribute to consumers. Those who produce such food products fall into two categories: licensed home bakeries and unlicensed and unregulated home food operations.

Laws and guidelines for home food operations and home bakeries focus on whether a product requires time and temperature control for safety.

- Unlicensed home food operations are allowed to produce and sell non-temperature control for safety (non-TCS, also known as non-potentially hazardous or nonperishable) baked goods, jams/jellies, and other non-TCS products directly to the end consumer from the operator's home or at a farmers market.
- Licensed home bakeries are allowed to produce and sell baked goods that require temperature control for safety (TCS, also known as potentially hazardous or perishable) and non-TCS baked goods. These baked goods may be sold from the home, outside the home (if packaged and labeled), or wholesale to retail establishments.

## CONTACTS AND RESOURCES

### Iowa State University Extension and Outreach

Shannon M. Coleman, Assistant Professor and State Extension Specialist, Food Safety and Consumer Production  
[scoleman@iastate.edu](mailto:scoleman@iastate.edu) | (515) 294-9011

### Iowa State University Extension and Outreach Value Added Agriculture

1111 NSRIC, 1029 North University Boulevard | Ames, IA 50011-3611 | (515) 294-9483 | [www.extension.iastate.edu/valueaddedag](http://www.extension.iastate.edu/valueaddedag)

### Iowa Department of Inspections and Appeals

Food Division, Lucas Bldg., State Capitol, Des Moines, IA 50319 | (515) 281-6538 | <https://dia.iowa.gov/food-consumer-safety>  
Regulatory Authorities: <https://dia.iowa.gov/food-and-consumer-safety-bureau>

Developed by Shannon M. Coleman, assistant professor and state extension specialist in food safety and consumer production and Leah M. Gilman, graduate research assistant, with Iowa State University Extension and Outreach. Reviewed by Dr. Catherine Strohbahn and Donna Donald, with Iowa State University Extension and Outreach and Mark Speltz and Julie Kraling, with the Iowa Department of Inspections and Appeals (DIA).

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HS 72 | July 2017



## NON-TEMPERATURE CONTROL FOR SAFETY (NON-TCS) FOODS

Non-TCS foods do not require refrigeration for time/temperature control. Home food operations in Iowa are allowed to produce such food products. Non-TCS food products can only be sold direct to consumer (face-to-face only) from operator's home or at farmers markets. No licensing or inspection of kitchen is required.

### Examples of Non-Temperature Control for Safety (Non-TCS) Foods

- **Loaf bread, rolls, biscuits**
- **Pastries and cookies**
- **Candies and confections**
- **Fruit pies**
- **Jams, jellies, and preserves**  
(must meet the standard of identity for jams and jellies specified in Title 21 of the Code of Federal Regulations, Part 150)
- **Cereal, trail mixes, and granola**

Source: Association of Food and Drug Officials (AFDO), *Regulatory Guidance for Best Practice Cottage Foods*, April 2012.

Note: Non-TCS foods and baked goods are not interchangeable. Some baked goods are Non-TCS foods, but not all Non-TCS foods are baked goods.

## TEMPERATURE CONTROL FOR SAFETY (TCS) FOODS

The Food and Drug Administration (FDA) Food Code defines temperature control for safety (TCS) foods as food that requires time/temperature control for safety to limit pathogenic microorganism growth or toxin formation. Examples of these pathogenic microorganisms are *Clostridium botulinum* or *Salmonella* serotype Enteritidis and toxin forming *Staphylococcus aureus*. TCS foods require refrigeration at 41°F or below after preparation.

The Iowa Department of Inspections and Appeals (DIA) defines "home bakery" as a business on the premises of a residence that is operating as a home-based bakery where baked goods are prepared for consumption elsewhere. Annual gross sales of these products cannot exceed \$35,000.

Home bakeries that produce TCS baked goods require licensing. The regulations (e.g., inspection standards, enforcement, labeling requirements, annual and gross sales) for TCS bakery goods produced in home bakeries are under Iowa Code Chapter 137D and Iowa Administrative Code Chapters 481-30 and 481-34. Home bakeries are inspected by the DIA or the local regulatory agency. Contact your inspector if you have any questions or concerns.

"Home bakery" does not include:

- a food establishment,
- a food processing plant,
- a residence where food is prepared to be used or sold by churches, fraternal societies, or charitable, civic, or nonprofit organizations,
- a residence which prepares or distributes honey,
- a residence that distributes shell eggs,
- a residence that prepares nonhazardous foods for sale at a farmers market, or
- a residence that prepares nonhazardous baked goods sold directly from the residence. This exception does not apply to resale goods. This exception applies only to sales made from the residence in person and does not include mail order or internet sales.

### Examples of Temperature Control for Safety (TCS) Baked Goods

- **Pastries fillings**—cream, cheese, and custard
- **Soft pies**—pumpkin, sweet potato, or custard
- **Cheese fillings**—mozzarella, cottage cheese, ricotta, (real) cream, soft cheese
- **Perishable (require refrigeration) toppings, glazes, and icing**
- **Pudding**—mix or scratch (i.e., banana and bread pudding, no baked cheesecake, etc.)

Source: NSF International and FDA.

## REFERENCES

1. Association of Food & Drug Officials (AFDO). 2012. *Regulatory Guidance for Best Practices Cottage Foods*. Available at: [http://www.afdo.org/resources/temp/Cottage\\_Foods\\_013.pdf](http://www.afdo.org/resources/temp/Cottage_Foods_013.pdf). Accessed 2016 June 16.
2. Food and Drug Administration. 2012. 21 CFR 101.9 (i): Nutritional labeling of food. Available at: <https://www.gpo.gov/fdsys/pkg/CFR-2012-title21-vol2/pdf/CFR-2012-title21-vol2-sec101-9.pdf>. Accessed 2016 June 21.
3. Iowa Food Code. 2016. Chapter 137F: Food Operations and Food Processing Plants. Available at: <https://www.legis.iowa.gov/docs/code/137F.pdf>. Accessed 2016 June 16.
4. Iowa Inspections and Appeals. 2013. *Inspections Division-Chapter 30: Food and Consumer Safety*. Available at: <https://www.legis.iowa.gov/docs/iac/chapter/481.30.pdf>. Accessed 2016 June 16.
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6. Iowa Inspections and Appeals. 2008. Chapter 34: Home Food Operations. Available at: <https://www.legis.iowa.gov/docs/iac/chapter/481.34.pdf>. Accessed 2016 June 16.
7. NSF International Standard/American National Standard. 2003. *Non-potentially Hazardous Foods*. Ann Arbor (MI): NSF International. Report nr ANSI/NSF 75-2000. 12 p. DOI: 10.1111/j.1541-4337.2003.tb00055.x



# HOME FOOD

## OPERATION BASICS

- ☐ Home food operations, also known as cottage foods, prepare and sell non-temperature control for safety (non-TCS) foods.
- ☐ The following are not exempt even though the end product may be non-TCS: acidified, low acid canned foods, cured, fermented, juiced.

- ☐ Sold direct to consumers from operator's home (*face-to-face contact only, online sales are not permitted*) or at farmers markets.

- ☐ No license is required.

- ☐ No wholesale distribution allowed.

- ☐ No sales limitation.

- ☐ Customers reserve the right to "self-inspect" the food operator's kitchen.

Best practice suggests using a simple label which contains the following:

- ☐ Common name
- ☐ Name of preparer
- ☐ Home address
- ☐ List of ingredients in order of predominance (*by net weight, using a calibrated scale*)
- ☐ Allergens information—The Food Allergens Labeling and Consumer Protection Act (FALCPA) identifies eight foods or food groups as allergens: milk, eggs, fish (*e.g., bass, flounder, cod*), crustacean shellfish (*e.g., crab, lobster, shrimp*), tree nuts (*e.g., almonds, walnuts, pecans, coconut*), peanuts, wheat, and soybeans.

## Definition

## Where Product Can Be Sold

## Licensing for Home/Farmers Market Distribution

## Licensing for Wholesale Distribution

## Gross Sales

## Kitchen Inspection

## Labeling

# LICENSED HOME BAKERY

## OPERATION BASICS

- ☐ Home bakery operations can prepare and sell bakery products that are considered temperature control for safety (TCS) foods, also known as potentially hazardous foods (PHFs).
- ☐ Production is limited ONLY to baked goods [*i.e., breads, cakes, doughnuts, pastries, buns, rolls, cookies, biscuits and pies, or any other temperature control for safety baked goods such as soft pies, bakery products with custard, or cream filling cheese cakes (except meat pies)*].
- ☐ ONLY finished products are allowed to be sold. The Iowa Code prohibits the selling of unbaked pies or cookie dough.

- ☐ Sold direct to consumer from operator's home (*face-to-face contact only*), at farmers market, and wholesale to retail establishments.
- ☐ To sell TCS baked goods at the farmers market, a Home Bakery license AND Potentially Hazardous Food farmers market license are needed.
- ☐ Operators must maintain a logbook of all workers at farmers market for 30 days.

- ☐ In the state of Iowa, a home bakery license is required. Contact DIA or the local regulatory agency about annual license fee. The license is renewable and expires one year from date of issue.
- ☐ A home bakery license permits a person to sell TCS and non-TCS baked goods from their home.

- ☐ License is required to sell non-TCS and TCS baked goods at the wholesale level which includes selling or distributing products to restaurants, retailers, or institutions who then sell product to consumers. However, the annual gross sale cannot exceed the limited amount enforced by DIA set by Iowa Code Chapter 137D.

- ☐ Gross annual sales limit is set at \$35,000. License holders must have records of sales available for review by the DIA's Food and Consumer Safety Bureau.

- ☐ Kitchens are inspected by the Iowa Department of Inspections and Appeals or the local regulatory agency.

Food produced in a licensed home bakery MUST be labeled at a minimum with the following information:

- ☐ Statement of identity (product name or common name)
- ☐ List of ingredients in order of predominance (*by net weight, using a calibrated scale*). If the product has a standard of identity in the Code of Federal Regulations, it must conform to that standard.
- ☐ Name and complete address of the person/company preparing the product
- ☐ Net weight, net volume, or numerical count
- ☐ Allergens information—The Food Allergens Labeling and Consumer Protection Act (FALCPA) identifies eight foods or food groups as allergens: milk, eggs, fish (*e.g., bass, flounder, cod*), crustacean shellfish (*e.g., crab, lobster, shrimp*), tree nuts (*e.g., almonds, walnuts, pecans, coconut*), peanuts, wheat, and soybeans.
- ☐ Nutrition labeling information is required unless exempt. Exemption and labeling provision for small businesses may be found in Title 21 of the Code of Federal Regulations, Part 101.9(i).