

217.136 Home-based food processors -- Exemption from permit requirement and fair packaging and labeling laws -- Production, labeling, and sales of home-processed food products -- Inspections -- Registration system.

- (1) A home-based processor shall be exempt from KRS 217.035 and 217.037 if the following conditions are met:
 - (a) All finished product containers are clean, sanitary, and properly labeled pursuant to subsection (3) of this section;
 - (b) All home-processed foods produced under this exemption are neither adulterated nor misbranded pursuant to subsection (4) of this section; and
 - (c) All glass containers for jams, jellies, preserves, fruit butter, and similar products are provided with suitable rigid metal covers.
- (2) A home-based processor shall not produce or process for sale acid foods, acidified food products, formulated acid food products, or low-acid canned foods.
- (3) A home-based processor shall label each of its food products and include the following information on the label of each of its food products:
 - (a) The name and address of the home-based processing operation;
 - (b) The common or usual name of the food product;
 - (c) The ingredients of the food product, in descending order of predominance by weight;
 - (d) The net weight and volume of the food product by standard measure, or numerical count;
 - (e) The following statement in ten (10) point type: "This product is home-produced and processed"; and
 - (f) The date the product was processed.
- (4) Food products identified in KRS 217.015(56) and not labeled in accordance with subsection (3) of this section are deemed misbranded.
- (5) Food products identified in KRS 217.015(56) and produced, processed, and labeled in accordance with subsection (3) of this section are acceptable food products that may only be offered for sale directly to consumers within this state, including from the home-based processor's home, whether by pick-up or delivery, at a market, roadside stand, community event, or online. These food products may be used in preparing and serving food.
- (6) Food products identified in KRS 217.015(56) and labeled in accordance with subsection (3) of this section shall not be required to be tested in determining whether or not the food product is an acid food, acidified food product, formulated acid food product, or low-acid food.
- (7) The processing facilities of a home-based processor may be inspected annually by the cabinet.
- (8) A home-based processor shall be subject to food sampling and inspection if it is determined that its food product is misbranded pursuant to subsection (4) of this section or adulterated, or if a consumer complaint has been received.
- (9) If the cabinet has reason to believe that an imminent health hazard exists it may invoke cessation of production until it deems that the hazardous situation

has been addressed to the satisfaction of the cabinet.

- (10) The cabinet shall promulgate administrative regulations to further delineate which food products are subject to the definition of home-based processor, as defined in KRS 217.015(56).
- (11) No later than January 1, 2020, the cabinet shall develop and implement a registration system for home-based processors.
- (12) Beginning January 1, 2020, a home-based processor shall be registered with the cabinet and include the following information:
 - (a) The name of the home-based processor and the physical address where production or processing will occur; and
 - (b) A listing of the food products to be produced or processed.

Effective: March 26, 2019

History: Amended 2019 Ky. Acts ch. 181, sec. 1, effective March 26, 2019. -- Amended 2018 Ky. Acts ch. 77, sec. 2, effective July 14, 2018. -- Created 2003 Ky. Acts ch. 42, sec. 2, effective June 24, 2003.