

Virginia's Home Kitchen Food Processing Exemptions

Food establishments, including private homes, that manufacture, process, pack or hold food for introduction into commerce (sale) are subject to the Virginia Food Laws as well as all applicable regulations. These laws and regulations are administered by the Virginia Department of Agriculture and Consumer Services (VDACS) and enforcement of these requirements includes regular periodic inspections of food establishments (including private homes). Additionally, establishments that are subject to periodic inspections are required to pay the agency an annual fee of \$40.00.

Section § 3.2-5130 of the Code of Virginia allows certain low risk foods, acidified vegetables and honey to be made from a private home without VDACS inspection, with certain restrictions. This fact sheet addresses some frequently asked questions and requirements relating to the exemption. Please consult the Code of Virginia for specific requirements and if you have any questions contact the VDACS Food Safety Program by phone at 804-786-3520 or via email at foodsafety@vdacs.virginia.gov.

I. Low Risk Foods (§ 3.2-5130, item A.3)

What types of home-processed low risk food products are allowed under this exemption?

- Candies,
- Jams, and jellies not considered to be low-acid or acidified low-acid food products,
- Dried fruits,
- Dry herbs,
- Dry seasonings,
- Dry mixtures,
- Coated and uncoated nuts,
- Vinegars and flavored vinegars,
- Popcorn, popcorn balls,
- Cotton candy,
- Dried pasta,
- Dry baking mixes,
- Roasted coffee,
- Dried tea,
- Cereals,
- Trail mixes,
- Granola,
- Baked goods that do not require time or temperature control after preparation

Where can I make these low risk food products?

- In your own private home

What are the labeling requirements for food products in the low risk foods category?

- Product containers should have a label displaying the name, physical address, and telephone number of the person preparing the food product and the date the food product was processed.
- The statement "NOT FOR RESALE – PROCESSED AND PREPARED WITHOUT STATE INSPECTION" must be placed on the front of the product.
- In addition, this exemption does not preclude the need for standard labeling information on the product label (name of product, net weight statement, name and address of the manufacturer, list of ingredients and subingredients and possibly nutritional information).

Where can I sell these products and to whom can I sell them?

- At a farmers markets to an individual for his/her own consumption
- From the private home where the product was manufactured, to an individual for his/her own consumption

Where can I not sell these products?

- To other businesses (including retail establishments such as grocery stores or supermarkets)
- For resale
- On the internet
- Across state lines