

# **Arkansas**

# **Homemade Food Production**

# **Guidelines**



**Arkansas Department of Health**

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## Introduction

The Homemade Food Production Guide was developed to provide standards, guidelines, and consistent information for food vendors, and regulators to provide fresh, safe, and quality food to the consumer.

This Guide offers advice on food items that may be sold and conditions that must be met at the point of sale. For any food item that does not fall into one of the categories or if you have questions about what category it belongs in, please contact the Environmental Health Specialist at your Arkansas Department of Health (ADH) Local Health Unit.

All food manufactured, produced, processed, sold, or dispensed in the State of Arkansas must comply with the Arkansas Food Drug and Cosmetic Act and cannot be contaminated, adulterated, misbranded, or dishonestly presented. Foods produced with ingredients or additives that are prohibited or are not Generally Recognized as Safe (GRAS) by the United States Food and Drug Administration are considered adulterated foods and may not be sold.

Depending on the product sold, a vendor may be required to obtain a permit from the ADH as a Retail Food Establishment or a Food Processing Plant. Contact an Environmental Health Specialist with the Local Health Unit to determine if a Food Establishment Permit is required.

The ADH's Rules Pertaining to Retail Food Establishments define a "Retail Food Establishment" as "an operation that stores, prepares, serves, packages, vends, or otherwise provides food for human consumption".

## Foods that do not require a permit from the Arkansas Department of Health

### 1. Homemade Non-TCS Foods

During the 93<sup>rd</sup> Session of the Arkansas General Assembly the Cottage Food Act (Act 399 of 2017) was removed and replaced by the Food Freedom Act (Act 1040 of 2021). The Food Freedom Act expands on the items previously allowed under the Cottage Food Act by allowing the sale of Homemade Non-TCS Food directly to an informed end consumer.

#### A. What is Homemade Non-TCS Food?

Homemade Non-TCS Food is food or drink products that do not require refrigeration to prevent the growth of disease-causing microorganisms and are processed at the private residence of the producer. These products are exempt from ADH permitting and inspection requirements.

#### B. What is an "informed end consumer"?

An "informed end consumer" is the last person to purchase a Homemade Non-TCS Food that cannot resell the product. An informed end consumer has been informed through

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appropriate labeling and signage that the Homemade Non-TCS Food product has not been regulated or inspected.

### C. Where and how can Homemade Non-TCS Foods be sold?

Homemade Non-TCS Foods can be sold:

1. Direct to the informed consumer either in-person, by telephone, or online by the producer of the Homemade Non-TCS Food, by an agent of the producer (i.e. employee, friend, etc.), or by a third-party vendor (i.e. a retail shop or a grocery store).
  - i. From a retail space located at the ranch, farm, home, or office where the Homemade Non-TCS Food is produced
  - ii. At a retail location of a third-party vendor of the Homemade Non-TCS Food
    - a. Third-party vendors of Homemade Non-TCS Food who also sell food produced under state or federal inspection must keep the Homemade Non-TCS Foods separate from inspected products.
  - iii. Within the State of Arkansas or in another state if the seller complies with all federal laws. Homemade Non-TCS Food producers should contact the United States Food and Drug Administration as well as the state and local public health authorities prior to any sale out of state to ensure compliance with any applicable laws or regulations.
  - iv. Delivery of the product can be by the producer, agent of the producer, third-party vendor, or third-party carrier (mail, parcel post, etc.)

**NOTE:** Homemade Non-TCS Foods **cannot** be sold to restaurants for use within the restaurant because Homemade Non-TCS Foods are not from approved sources.

### D. Are Homemade Non-TCS Foods required to be labeled?

While foods produced under the Food Freedom Act are exempted from ADH labeling requirements, the Act does require certain information to be provided to the informed end consumer by disclosing:

1. The date that the Homemade Non-TCS Food was manufactured, produced, or processed.
2. The name, address, and telephone number of the producer. Producers who do not wish to disclose this information for safety reasons may request an identification number provided by the Arkansas Department of Agriculture to be used instead of this information. (To obtain an ID number, please fill out this form from the [Arkansas Department of Agriculture](#).)
3. The common or usual name of the food.
4. The ingredients of the food in descending order of predominance.

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5. The statement: "This product was produced in a private residence that is exempt from state licensing and inspection. This product may contain allergens."

This information must be disclosed on:

- a. A label affixed to:
  - i. The package, or
  - ii. The container if the product is offered for sale from a bulk container.
    - i. For products sold from a bulk container, a separate written document containing all the required disclosures shall be provided to the consumer at the time of sale.
- b. For products offered for sale online, the website must include the above labeling information and the package itself must be labeled.

### E. What foods **cannot** be sold as Homemade Non-TCS Food?

Any food that requires time and/or temperature control to prevent the growth of microorganisms that cause food borne illness. The following foods are considered Time/Temperature Control for Safety Foods (TCS Foods) and CANNOT be sold without a permit from ADH:

1. A food of animal origin (meat, poultry, seafood, wild game, dairy) that is raw, or heat treated (cooked).
2. A food of plant origin that is heat treated (except for foods specifically listed in Appendix A of this document).
3. Raw seed sprouts
4. Cut leafy greens – Defined as: Fresh leafy greens whose leaves have been cut, shredded, sliced, chopped or torn. Leafy greens that have only been cut from their root in the field (often called a “harvest cut”) with no further processing are not “Cut leafy greens”. The term “leafy greens” does not include herbs such as cilantro or parsley.
5. Cut or sliced fresh tomatoes
6. Cut or sliced melons
7. Garlic-in-oil mixtures
8. Or any food that because of the interaction of its water activity ( $a_w$ ) and pH values is designated as Product Assessment Required in Table A or B below:

**Table A. Interaction of pH and aw for control of spores in food heat-treated to destroy vegetative cells and subsequently packaged**

aw values	pH: 4.6 or less	pH: > 4.6 - 5.6	pH: > 5.6
<b>≤ 0.92</b>	non-TCS food*	non-TCS food	non-TCS food
<b>&gt; 0.92 - 0.95</b>	non-TCS food	non-TCS food	PA**
<b>&gt; 0.95</b>	non-TCS food	PA	PA

\* TCS food means TIME/TEMPERATURE CONTROL FOR SAFETY FOOD

\*\* PA means Product Assessment required

**Table B. Interaction of pH and aw for control of vegetative cells and spores in food not heat-treated or heat-treated but not packaged**

aw values	pH: < 4.2	pH: 4.2 - 4.6	pH: > 4.6 - 5.0	pH: > 5.0
<b>&lt; 0.88</b>	non-TCS food*	Non-TCS food	non-TCS food	non-TCS food
<b>0.88 – 0.90</b>	non-TCS food	non-TCS food	non-TCS food	PA**
<b>&gt; 0.90 – 0.92</b>	non-TCS food	non-TCS food	PA	PA
<b>&gt; 0.92</b>	non-TCS food	PA	PA	PA

\* TCS food means TIME/TEMPERATURE CONTROL FOR SAFETY FOOD

\*\* PA means Product Assessment required

## 2. Pickled Cucumbers and Other Acidified Vegetables

Pickled cucumbers and other acidified vegetables that have an equilibrium pH of 4.6 or less are considered Homemade Non-TCS Food under Act 1040 of 2021 provided:

- The recipe is from a source approved by ADH (See Links in Appendix A); has been tested by an appropriately certified Food Process Authority who has confirmed the process will result in a product with a final equilibrium pH of 4.6 or less. (For a list of Food Process Authorities please visit: (<https://www.afdo.org/directories/fpa/>); or the producer tests each batch with a calibrated pH meter to confirm the finished product has an equilibrium pH value of 4.6 or less. Only pH meters with a resolution of 0.1 pH units and an accuracy of +/- 0.1 pH units should be used.
- The product is labeled with a unique number for each batch (batch number).
- The producer maintains records that include:
  - The batch number;
  - The recipe used;
  - The source of the recipe used or the pH of the batch as measured using a calibrated pH meter by the producer; and
  - The date the batch was prepared.

### **3. Raw Fresh Fruits and Vegetables**

Whole, uncut fresh fruits and vegetables may be offered for sale without a permit or inspection from ADH.

### **4. Maple Syrup, Sorghum, or Honey**

Maple syrup, sorghum, or honey that is produced by a maple syrup, sorghum producer, or beekeeper may be sold. Creamed honey (whipped) and honey flavored with dry non-TCS ingredients (ground cinnamon, nutmeg, etc.) may be sold. Honey with TCS ingredients as additives or flavorings is not allowed.

## **Food Items that must be prepared or manufactured at ADH permitted and inspected facilities:**

All the items listed below must be prepared and packaged at an ADH permitted and inspected Retail Food Establishment or Food Processing Plant.

### **1. Canned Low-Acid Foods**

Canning is the process of preserving food by packing the food into glass jars and heating the jars to kill organisms that would create spoilage or cause illness. Canning is typically used to preserve fruits, vegetables, and sometimes meat.

Growth of the bacterium *Clostridium Botulinum* in canned food may cause botulism, a deadly form of food poisoning. Botulinum spores are very hard to destroy at boiling water temperatures; the higher the canner temperature, the more easily they are destroyed.

Therefore, low-acid foods (canned foods with a finished equilibrium pH greater than 4.6 and a  $a_w$  greater than 0.85) require much stricter controls to protect public safety and can only be produced under a permit from the Arkansas Department of Health.

Low-Acid Canned foods include, without limitation, canned: beans, broccoli, carrots, cabbage, cauliflower, celery, corn, artichoke, asparagus, okra, olives, spinach, onions, squash, peas, green beans, fish, meat, poultry, broth, and eggs.

### **2. Smoked, Cured, or Dried Meats**

Smoking, curing, and drying meat is a preservation process that removes the available moisture in the meat. By removing moisture, enzymes cannot contact or react with the food. There are concerns of various illness-causing organisms that can survive the drying or curing process. Even though the organisms will not continue to grow in the dried food there could be enough present to cause illness once ingested.

The Food Freedom Act does not allow for the sale of any products that contain meat, poultry or seafood and a permit is required to produce these products. Further, permitted

facilities who produce these products must have a variance approved by ADH for the specific food process that addresses all the critical food safety factors for the product, including monitoring of the processing temperatures and the  $a_w$  of the finished product.

### **3. Sprouted Seeds or Beans**

Sprouts may include alfalfa, clover, sunflower, broccoli, mustard, radish, garlic, dill and pumpkin as well as mung, kidney, pinto, navy, soybeans, and wheat berries (wheat grass).

Raw and lightly cooked sprouts, especially alfalfa, clover, and mung bean sprouts have been associated with foodborne illness in a number of outbreaks. Microorganisms already on the seeds or introduced during the sprouting process grow quickly during the ideal conditions present during germination and sprouting. There is no step in the production of raw sprouts such as cooking or pasteurization to reduce or eliminate pathogens before consumption.

Production of sprouted seeds or beans requires a permit and a variance from ADH for this specific food process that addresses all critical food safety factors for the product, including the disinfection of the seeds used to grow the sprouts and testing of the irrigation water from each batch of sprouts for the presence of pathogenic microorganisms.

**NOTE:** *Microgreens – sprouted seeds that are harvested after the emergence of “true leaves” are allowed to be sold under the Food Freedom Act. However, microgreens may only be cut once, during harvest. Sprouted seeds that still have roots, or the cotyledons are still un- or under-developed are considered sprouts and must be produced under a permit.*

### **4. Time/Temperature Control for Safety Food (TCS FOOD)**

Any TCS food, even if the food is commercially pre-packaged, can only be sold or served from an ADH permitted and inspected facility. This is to ensure that the proper refrigeration and monitoring is present to maintain food safety. These food items must be kept in refrigeration equipment that can always maintain the food at below 41°F or above 135°F.

Common examples of TCS Food include, without limitation, dairy products, cheeses, meat and poultry products, deli salads, casseroles, cream or custard pies, and cheesecakes.

**5. Ready-to-eat food prepared on site or commercially prepared food that is not pre-packaged.**

Any ready-to-eat food that is prepared on-site (outside of the producer's home) or any commercially prepared food that is provided to the consumer in a non-prepackaged form can only be sold or served from an ADH permitted and inspected facility. Any establishment preparing, selling, or serving any of these food items must fully comply with the ADH [Rules Pertaining to Retail Food Establishments](#).

**ADH Permitted and Inspected Retail Food Establishment Types:**

These definitions are basic definitions only and there may be additional requirements set forth in the Arkansas Department of Health's [Rules Pertaining to Retail Food Establishments](#).

- 1. Brick and Mortar Establishment** – Fixed based establishment such as a restaurant.
- 2. Mobile food establishment** – a vehicle mounted kitchen with its own permanently mounted fresh water and wastewater holding tanks.
- 3. Seasonal food establishment** – an establishment with its own water supply and wastewater holding tanks, limited to water/ice-based beverages and operate no more than 150 calendar days out of the year.
- 4. Coffee Kiosk** – not vehicle mounted, has its own fresh water and wastewater holding tanks, can only sell prepackaged food and coffee-based beverages.
- 5. Temporary Food Establishment** – a food establishment that is only set up for a temporary event. Temporary permits can only be issued in conjunction with a single event or celebration organized by a single entity. The permit is valid for one event; another temporary permit must be issued at the next event. Food preparation is limited. Farmer's Markets do not meet this definition.
- 6. Push-cart** - a non-self-propelled vehicle limited to serving food requiring minimal handling or commissary wrapped food maintained at proper temperatures. Minimal handling means that the food has been cooked and prepared at a fully permitted establishment and the food is only dispensed and/or served from the push-cart. Food products prepared on and served from a push- cart are limited to non-TCS items or the preparation and service of frankfurters. A push-cart must operate from an approved, permitted, commissary and must report back to the commissary daily for cleaning and resupply.

## APPENDIX A

For ease of use, Appendix A is divided into categories based on food type. Each category lists three options: Allowed Foods, Not Allowed Foods, and Exceptions. All foods listed in the “Exceptions” column need extra information and you should contact ADH regarding the risks that are associated with these foods.

### FOOD TYPE CATEGORIES

1. Pickled, Acid, and Acidified Foods
2. Beverages
3. Baked Foods
4. Frozen Products
5. Jams, Jellies, Preserves, Fruit Butters, Syrups
6. Dried, Dehydrated, and Roasted
7. Candy and Confections
8. Hemp Foods
9. Icings, Frostings, Sugar Art, Toppings

### APPROVED RECIPIES

Links to tested recipes have been provided for most products listed that have been obtained from the [National Center for Home Food Preservation](#) (NCHFP). These recipes/processes have been laboratory tested and produce safe products when the recipe is followed. Deviations to these recipes will require further product testing using either a laboratory or calibrated pH meter prior to sale.

**NOTE: Dairy products (milk, cheese, butter, sour cream, etc.) are not allowed to be sold under the Food Freedom Act. Additionally, products prepared from or consisting of fish, seafood, meat, and poultry are not allowed to be sold under the Food Freedom Act. The NCHFP website contains many other recipes including recipes for products that are not allowed for sale under the Food Freedom Act. Please consult your local Environmental Health Specialist before making products or using recipes that are not specifically listed in this document.**

1. Pickled, Acid, and Acidified Foods (Canned)			
Food Type	Allowed	Not-Allowed	Exceptions
Fruits	<p>Fruits that have an equilibrium pH value of ≤4.6 and heat-treated to kill vegetative cells.</p> <p>Examples, including but not limited to:</p> <ul style="list-style-type: none"> <li>• <a href="#">Apples</a></li> <li>• <a href="#">Applesauce</a></li> <li>• <a href="#">Apricots</a></li> <li>• <a href="#">Berries</a></li> <li>• <a href="#">Cherries</a></li> <li>• <a href="#">Cranberries</a></li> <li>• <a href="#">Cranberry Sauce</a></li> <li>• <a href="#">Figs (acidified)</a></li> <li>• <a href="#">Fruit puree</a></li> <li>• <a href="#">Fruit Cocktail (Mixed)</a></li> <li>• <a href="#">Grapefruit and oranges</a></li> <li>• <a href="#">Grapes</a></li> <li>• <a href="#">Mangoes, green</a></li> <li>• <a href="#">Papaya</a></li> <li>• <a href="#">Peaches</a></li> <li>• <a href="#">Pears</a></li> <li>• <a href="#">Pie Filling</a></li> <li>• <a href="#">Pineapple</a></li> <li>• <a href="#">Plums</a></li> <li>• <a href="#">Rhubarb-Stewed</a></li> <li>• <a href="#">Strawberries</a></li> </ul>	<p>Bananas, figs, cantaloupe, honeydew, watermelon.</p> <p>Final product pH&gt;4.6</p> <p>Elderberry juice or syrup (no approved methods- elderberries are low acid berries)</p>	<p>Fruit ciders, fruit juices (including tomato) allowed if final product meets the pH criteria and are home canned or pasteurized (heat juice to 160°F for 6 seconds while stirring constantly).</p> <p>Raw, un-canned and unpasteurized juice is not allowed because it requires refrigeration for safety.</p>
Vegetables	<p>Vegetables acidified and have an equilibrium pH ≤4.6 and heat treated to kill vegetative cells.</p> <p>For tomato product recipes see "<a href="#">Canning Tomatoes and Tomato Products</a>".</p> <ul style="list-style-type: none"> <li>• Tomatoes, acidified with bottled lemon juice, citric acid, or vinegar</li> <li>• Tomato juice, acidified</li> <li>• Tomato sauce, acidified</li> <li>• Salsa</li> </ul>	<ul style="list-style-type: none"> <li>• Pesto</li> <li>• Hummus</li> <li>• Home-canned low-acid foods; fish, meat, poultry, vegetables, soups, stews, and legumes (i.e. green beans, chickpeas, lentils, peas, and beans)</li> </ul> <p>Products with a final pH &gt;4.6</p>	

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<b>Food Type</b>	<b>Allowed</b>	<b>Not-Allowed</b>	<b>Exceptions</b>
<b>Pickled Products</b>  <b>NOTE: Production of these products require the use of ADH approved recipes, evaluation by a Process Authority, or use of a calibrated pH meter. These products also require record keeping</b>	<p>Pickled products that have an equilibrium pH ≤4.6 and heat treated to kill vegetative cells.</p> <p>Pickled:</p> <ul style="list-style-type: none"> <li>• <a href="#">Asparagus</a></li> <li>• <a href="#">Beets</a></li> <li>• <a href="#">Carrots</a></li> <li>• <a href="#">Green, yellow beans</a></li> <li>• <a href="#">Green tomatoes</a></li> <li>• <a href="#">Okra</a></li> <li>• <a href="#">Relish</a></li> <li>• <a href="#">Watermelon rinds</a></li> <li>• <a href="#">Cucumbers</a></li> <li>• <a href="#">Spiced Apple Rings</a></li> </ul>	<p>Pickled:</p> <ul style="list-style-type: none"> <li>• Radishes</li> <li>• Eggs</li> <li>• Fish</li> <li>• Meat</li> <li>• Seafood</li> </ul> <p>Refrigerator pickled products</p> <p>Products with a final pH &gt;4.6</p>	Homemade vinegars <b>cannot</b> be used for producing pickles or acidified products as the acid percentage is not known.
<b>Vinegar</b>  <b>Note: Homemade vinegars cannot be used for producing pickles or acidified products as the acid percentage is not known.</b>	Vinegar and <a href="#">infused vinegars</a> with an equilibrium pH of ≤4.6	<ul style="list-style-type: none"> <li>• Products with a pH &gt;4.6</li> <li>• Oil based flavored vinaigrettes</li> </ul>	
<b>Packaged Pie, Cake Fillings and Toppings</b>	Final product has an equilibrium pH value of ≤4.6 or aw of ≤0.85 and heat treated to kill vegetative cells <ul style="list-style-type: none"> <li>• Fruit toppings like peach, apple or cherry</li> <li>• <a href="#">Pie filling</a> (thickened with ClearJel ®or Thermflo ®): apple, blueberry, cherry, peach</li> <li>• <a href="#">Lemon or lime curd</a></li> </ul>	<ul style="list-style-type: none"> <li>• Pie fillings with tapioca, starch or flour added before canning</li> <li>• Mincemeat pie filling</li> <li>• Mole paste</li> <li>• Pineapple, orange, raspberry, rhubarb, etc. curd</li> <li>• Lemon or lime curd flavored with ginger or herbs like thyme</li> <li>• Products with a final pH &gt;4.6</li> <li>• Flavored with alcohol</li> </ul>	

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<b>Food Type</b>	<b>Allowed</b>	<b>Not-Allowed</b>	<b>Exceptions</b>
<b>Condiments</b>	<p>Condiments which have an equilibrium pH value of <math>\leq 4.6</math> and heat treated to kill vegetative cells.</p> <ul style="list-style-type: none"> <li>• <a href="#">Barbeque Sauce</a></li> <li>• <a href="#">Ketchup/Catsup</a></li> <li>• <a href="#">Fruit salsas</a></li> <li>• <a href="#">Spaghetti Sauce (without meat)</a></li> <li>• <a href="#">Pepper sauce</a></li> <li>• <a href="#">Fruit chutney (without nuts)</a></li> <li>• <a href="#">Salsa, Tomato</a></li> <li>• <a href="#">Salsa Verde (tomatillos green salsa)</a></li> <li>• Taco Sauce</li> <li>• Simple Syrups – 1:1 water/sugar ratio with flavoring</li> </ul>	<ul style="list-style-type: none"> <li>• Fruit based chutneys with nuts</li> <li>• Pesto</li> <li>• Fresh sauces (i.e. guacamole or refrigerator salsa)</li> <li>• Salsa canned in Quart jars</li> <li>• Corn and Bean Salsa</li> <li>• Oils such as sunflower, flaxseed, canola, rapeseed</li> <li>• Infused oils</li> <li>• Oil based vinaigrettes</li> <li>• Home-canned caramel and chocolate sauces</li> <li>• Coffee Syrups</li> <li>• Products with pH <math>&gt;4.6</math></li> <li>• Flavored with alcohol</li> </ul>	<ul style="list-style-type: none"> <li>• Honey- Creamed or flavored with non-Time/Temperature Control for Safety ingredients (i.e. ground cinnamon or ground vanilla) is allowed</li> </ul>

**2. Beverages**

<b>Food Type</b>	<b>Allowed</b>	<b>Not-Allowed</b>	<b>Exceptions</b>
<b>Packaged-Ready to Consume Teas, Coffee, and Soft Drinks</b>	<p>Final product pH <math>\leq 4.6</math> or <math>a_w \leq 0.85</math>.</p> <ul style="list-style-type: none"> <li>• Soft Drinks, packaged</li> <li>• Teas, packaged</li> <li>• Heat treated and canned high-acid fruit juices</li> <li>• Lemonade and fruit flavored ades, packaged</li> </ul>	<ul style="list-style-type: none"> <li>• Any alcoholic beverages</li> <li>• Beverages that are prepared on site require permitting from ADH.</li> <li>• Fresh squeezed juice</li> <li>• Cold brew coffee</li> <li>• Products with a final pH <math>&gt;4.6</math> or <math>a_w &gt;0.85</math></li> <li>• Raw, un-canned and unpasteurized juice is not allowed.</li> </ul>	<ul style="list-style-type: none"> <li>• Fruit ciders, fruit juices (including tomato) if final products meet the pH criteria and are canned or pasteurized to 160°F for 6 seconds while stirring constantly are allowed.</li> </ul>

<b>3. Baked Foods</b>			
<b>Food Type</b>	<b>Allowed</b>	<b>Not-Allowed</b>	<b>Exceptions</b>
<b>Bakery Type Products</b>	<p>Baked foods that do not require refrigeration:</p> <ul style="list-style-type: none"> <li>• Biscuits</li> <li>• Biscotti</li> <li>• Breads</li> <li>• Cakes</li> <li>• Cookies</li> <li>• Cupcakes</li> <li>• Doughnuts</li> <li>• Pastries</li> <li>• Pies, fruit-filled</li> <li>• Pineapple upside down cake</li> <li>• Pretzels</li> <li>• Quick breads</li> </ul>	<ul style="list-style-type: none"> <li>• Cheesecake</li> <li>• Pies: banana cream, meringue pies, pumpkin, squash pie, etc.</li> <li>• Custard, pudding, cakes or cupcakes with custard or pudding filling</li> <li>• Fillings containing meat, poultry, fish, seafood, or vegetables</li> <li>• Homemade lard, bacon grease, or other animal fats</li> <li>• Non-baked dairy (butter, cheese, cream cheese, yogurt) Ex: no-bake cheesecakes</li> <li>• Non-baked products containing raw and/or pasteurized eggs such as raw cookie dough, egg noodles, soft meringues on pies, tiramisu, and mousse</li> <li>• Tres Leches cakes/cupcakes</li> <li>• Sesame Balls – rice flour dough wrapped over a filling of lotus paste or red bean paste, then deep fried and rolled in sesame seeds</li> <li>• Final product decorated or garnished with fresh cut fruits, vegetables, or meat</li> <li>• Pizza</li> <li>• Cake, brownies, bread baked in a jar.</li> <li>• Frozen doughs</li> <li>• Kas Las Paus, Kalapao, Kolaches, Tamales</li> <li>• Fawn Kauv or Banh Cuon</li> <li>• Flavored with alcohol</li> </ul>	<p>Sweet or quick breads, cakes and pies made with fresh fruit, vegetables, or cheese. Ex: banana, carrot, pumpkin, zucchini, sweet potato cheddar may be</p> <p>Time/Temperature Control for Safety Foods.</p>

4. Frozen Products			
Food Type	Allowed	Not-Allowed	Exceptions
<b>Frozen Products</b>	<p>Final product pH ≤4.6 or <math>a_w \leq 0.85</math></p> <p>Examples:</p> <ul style="list-style-type: none"> <li>• Fruit-based frozen treats (i.e., popsicles, sorbet)</li> <li>• Fruit-based freezer jams</li> </ul> <p><b>Note: Imported frozen berries were identified as the source of several viral outbreaks. Outbreaks of both Norovirus and Hepatitis A have been associated with frozen berries. Boiling berries for one minute prior to make juice and then refreezing is best practice to eliminate pathogens.</b></p>	<ul style="list-style-type: none"> <li>• Frozen fruit and vegetables</li> <li>• Frozen uncooked or partially cooked bread doughs, batters, pies, etc.</li> <li>• Ice milk, ice cream, or ice pops made with dairy</li> <li>• Non-dairy soft serve</li> <li>• Final products with a pH&gt;4.6 or <math>a_w &gt;0.85</math></li> </ul>	

5. Jams, Jellies, Preserves, Fruit Butters, Syrups			
Food Type	Allowed	Not-Allowed	Exceptions
<b>Jams, Jellies, Preserves, Fruit Butters, Syrups</b>	<p>Final product pH ≤4.6 or <math>a_w \leq 0.85</math></p> <p>Jam, Jelly, Preserve, Marmalade, and Conserve, Recipes can be found <a href="#">HERE</a>.</p> <p>Examples:</p> <ul style="list-style-type: none"> <li>• Conserves</li> <li>• <a href="#">Apple Butter</a></li> <li>• <a href="#">Fruit Syrup</a></li> <li>• Sorghum</li> <li>• Jam</li> <li>• Jelly</li> <li>• Pepper Jelly using commercially dried and ground pepper</li> <li>• Marmalades</li> <li>• Preserves</li> </ul>	<ul style="list-style-type: none"> <li>• Pumpkin, squash, sweet potato butters</li> <li>• Refrigerator Jam</li> <li>• Bacon jam</li> <li>• Pepper jelly containing whole pieces of pepper</li> <li>• Products made with reduced sugar (sucrose) or sugar substitutes</li> <li>• Products with a final pH&gt;4.6 or <math>a_w &gt;0.85</math></li> <li>• Flavored with alcohol</li> </ul>	<p>The Golden Pepper Jelly recipe found <a href="#">HERE</a> can be used but cannot be modified.</p>

6. Dried, Dehydrated, Roasted Products			
Food Type	Allowed	Not-Allowed	Exceptions
Dried, Dehydrated, Roasted Products	<p>Final product <math>a_w</math> value of &lt;0.85</p> <p><b>(Links provided below are guidance and not required)</b></p> <p>Examples:</p> <ul style="list-style-type: none"> <li>• Baking mixes</li> <li>• Dry Beans</li> <li>• Coconut</li> <li>• Coffee beans</li> <li>• <a href="#">Dried Fruit</a></li> <li>• <a href="#">Fruit Leathers</a></li> <li>• Grains</li> <li>• Granola, cereals, and trail mixes</li> <li>• <a href="#">Dried herbs</a></li> <li>• Freeze-dried fruit, vegetables, and herbs</li> <li>• Milled cornmeal, flaxseed, etc.</li> <li>• Mushrooms-only use mushrooms from a commercial source. Wild harvested mushrooms not allowed.</li> <li>• Nut mixes</li> <li>• Pasta noodles without eggs</li> <li>• <a href="#">Popcorn</a></li> <li>• Potato Chips</li> <li>• Seasonings</li> <li>• Seeds (i.e. <a href="#">pumpkin</a>, <a href="#">sunflower</a>, etc.)</li> <li>• Soup mixes (dry)</li> <li>• Tea (dry)</li> <li>• Tomatoes (dry)</li> <li>• Tree nuts and legumes (coated and uncoated)</li> <li>• <a href="#">Vegetable leathers</a></li> <li>• <a href="#">Vegetable chips</a></li> <li>• <a href="#">Dehydrated vegetables</a></li> </ul>	<ul style="list-style-type: none"> <li>• Cooked tapioca</li> <li>• Jerky made from meat, poultry, fish, or seafood</li> <li>• Roasted/smoked vegetables or fruits (i.e. peppers, carrots, tomatoes, etc.)</li> <li>• Freeze-dried cheesecake, dairy, eggs, ice cream, meat, fish, seafood and poultry</li> <li>• Noodle soup-Kaopia, Khao Piak Sen</li> <li>• Nut Butters</li> <li>• Dried noodles with eggs</li> <li>• Fresh, frozen, or cooked pasta</li> <li>• Popcorn/kettle corn made onsite requires a permit from ADH</li> <li>• Wild harvested mushrooms</li> <li>• Products with a final pH &gt;4.6 or <math>a_w</math> &gt;0.85</li> </ul>	

<b>7. Candy and Confections</b>			
<b>Food Type</b>	<b>Allowed</b>	<b>Not-Allowed</b>	<b>Exceptions</b>
<b>Candy and Confections</b>	<p>Final product does not require refrigeration for food safety and has a final <math>a_w \leq 0.85</math>.</p> <p>Including but not limited to:</p> <ul style="list-style-type: none"> <li>• Bon bons</li> <li>• Brittle</li> <li>• Caramels</li> <li>• Chocolate</li> <li>• Chocolate-covered non-TCS Foods, such as: nuts, dried fruits, uncut fruits and berries, marshmallows, and pretzels</li> <li>• Fudge</li> <li>• Hard candy</li> <li>• Popcorn balls</li> <li>• Flavored with alcohol with less than 5% alcohol by volume per A.C.A § 3-2-413</li> </ul>	<ul style="list-style-type: none"> <li>• Anything containing un- or partially cooked raw eggs</li> <li>• Cream based filling</li> <li>• Meat, poultry, seafood, or vegetable fillings</li> <li>• Products with a pH <math>&gt;4.6</math> or a <math>a_w &gt;0.85</math></li> </ul>	

<b>8. Hemp Foods</b>			
<b>Food Type</b>	<b>Allowed</b>	<b>Not-Allowed</b>	<b>Exceptions</b>
<b>Hemp</b>	<ul style="list-style-type: none"> <li>• Foods manufactured using hulled hemp seeds, hemp seed protein powder, and hemp seed oil. These products have been determined to be Generally Recognized as Safe (GRAS) and are the only hemp products permitted for use in food.</li> </ul>	<ul style="list-style-type: none"> <li>• Products made using any hemp products other than seeds including hemp flowers</li> <li>• Products containing hemp extract, CBD, THC, or other hemp derived compounds</li> </ul> <p>See:  <a href="https://www.fda.gov/news-events/public-health-focus/fda-regulation-cannabis-and-cannabis-derived-products-including-cannabidiol-cbd#extralabelanimals">https://www.fda.gov/news-events/public-health-focus/fda-regulation-cannabis-and-cannabis-derived-products-including-cannabidiol-cbd#extralabelanimals</a></p>	

<b>9. Icings, Fillings, Frostings, Sugar Art, Toppings</b>			
<b>Food Type</b>	<b>Allowed</b>	<b>Not-Allowed</b>	<b>Exceptions</b>
<b>Icings, Fillings, Frostings, Sugar Art, Toppings</b>	<p>Final product has a pH ≤ 4.6 or <math>a_w \leq 0.85</math></p> <p>Including but not limited to:</p> <p><b>Icings, Fillings, Frostings</b></p> <ul style="list-style-type: none"> <li>• Buttercream</li> <li>• Gumpaste</li> <li>• Flat</li> <li>• Fondant</li> <li>• Fudge</li> <li>• Glaze</li> <li>• Royal icing</li> </ul> <p><b>Sugar Art</b></p> <ul style="list-style-type: none"> <li>• Cake toppers</li> <li>• Cupcake toppers</li> <li>• Modeling Chocolate figurines</li> <li>• Sugar Flowers</li> <li>• Edible images printed on icing/wafer sheets</li> </ul> <p><b>Toppings</b></p> <ul style="list-style-type: none"> <li>• Stabilized commercial non-dairy whip cream products</li> <li>• Dried or freeze-dried fruit</li> <li>• Edible Flowers</li> <li>• Herbs like lavender and mint</li> <li>• Whole fruit</li> <li>• Fruit peels or zest</li> </ul>	<ul style="list-style-type: none"> <li>• Eggs, cream, milk, or cream cheese based; unless final product using these ingredients is documented as being a Non-TCS Food</li> <li>• Cut Fruits and Melon</li> <li>• Products with a pH &gt;4.6 or <math>a_w &gt; 0.85</math></li> </ul>	

<b>Food Freedom Act Quick Reference</b>				
<b>FOODS PRODUCED UNDER THE FOOD FREEDOM ACT...</b>	<b>MAY BE</b>	<b>MUST BE</b>	<b>SHOULD BE</b>	<b>MAY NOT BE</b>
Produced in a home kitchen		X		
Acid and acidified fruit and vegetable products that have been heat treated in a hot water bath or an approved hot fill process		X		
Tested with a pH meter to ensure pH of final product is below 4.6 if acid or acidified foods are made <b>without using ADH approved or lab approved processes</b>		X		
Tested with a pH meter to ensure pH of final product is below 4.6 if acid or acidified foods <b>are made using ADH approved or lab approved processes.</b>			X	
Sold at a Farmer's Market	X			
Sold via the internet	X			
Sold from the home, ranch, or farm where produced	X			
Sold to restaurants				X
Sold to grocery stores or other retail stores	X			
Sold to someone other than the end consumer				X
Labeled with name, address, and telephone number (or ID number), date produced, ingredients, disclosure statement		X		
Sold with a disclosure statement on sign or placard at point of sale		X		
Shipped using a commercial carrier	X			

**Recommended Reading:**

- Why adding acid to fruits and vegetables before canning is important:  
<https://www.ag.ndsu.edu/publications/food-nutrition/why-add-lemon-juice-to-tomatoes-and-salsa-before-canning>
- Using Boiling Water Canners:  
<https://nchfp.uga.edu/how/can/general-information/recommended-canners/#gsc.tab=0>
- General Information about Pickling:  
<https://nchfp.uga.edu/how/pickle/general-information-pickling/general-information-on-pickling/#gsc.tab=0>
- Choosing and using a pH meter for food products:  
<https://extension.okstate.edu/fact-sheets/choosing-and-using-a-ph-meter-for-food-products.html>  
<https://fpc.unl.edu/image/Science-of-safe-food>Selecting a pH Meter NebGuide.pdf>