

Home Baked and Confectionery Goods

Frequently Asked Questions (FAQs)

Get more info on starting your business, [watch this informative video](#).

Registrants as of February 1, 2013

Click on the question to view the answer.

- Hide All
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I want to sell brownies at a local store, how do I do this under the new law?

Get your [food handler card](#) (if offered in your county) and then register online with the Home Baked and Confectionery Goods Program. You will receive an email stating you are enrolled in the program. Once you receive confirmation of your registration, [follow the guidelines](#) for developing a package label and start making your product. As long as your product has the appropriate label, it can be sold in a retail food establishment. Example: You sell whole fruit pies to Restaurant ABC and provide the appropriate label. They can sell slices of that pie to their customers as long as they notify the customer that it was made in a private home. The law requires that this information be given to the final consumer of the product.

What types of products can I make to sell?

Only baked or Confectionery goods are allowed to be sold under this new law. No salsa, jerky, jams, jellies or spice mixes. Brownies, cookies, fruit pies, toffee, and divinity are examples of products that qualify.

What types of baked goods are considered potentially hazardous?

Custards, puddings, cupcakes or cakes with custard or cream fillings, meringues, cheese cakes, pumpkin, cream or custard pies, and other desserts containing ingredients of animal origin, should be assumed to be potentially hazardous.

Can I give away samples of my home baked goods or confectionaries?

Yes, but each sample must be packaged and labeled as required in the [labeling guidelines](#).

How do I get a food handler card?

[Food handler cards](#) are issued by individual counties. If your county does not require a food handler card, you are strongly encouraged to visit the [USDA Food Safety and Inspection Service](#) and [FoodSafety.gov](#) websites to become familiar with safe food handling practices.

Do I need to have a label with my product?

Yes, you will need to follow the Home Baked and Confectionery Goods Program [labeling guidelines](#). Below is an example of a product label that includes all required information:

Betty Baker's Chocolate Chip Cookies
Home Baked Food Products
1111 N Bakers Lane, Any Town, Arizona, 85007
BettyBaker@email.com or 480-555-1212

Ingredients: white flour, butter, eggs, milk, chocolate chips, pecans, vanilla, baking powder, salt.

This delicious cookie was prepared in a private home.

How do I start a small business?

The Arizona Commerce Authority Small Business Services division has an online "Step-by-Step Checklist to Start, Operate, and Grow a Business in Arizona" which provides quick answers to commonly asked questions about business licensing, registration, assistance and resources. Visit [AZCommerce.com](#) for the step by step checklist that will guide you through the basics of starting a small business.

Our developmentally disabled group home wants to make and sell muffins. Do we need to do anything differently?

In this situation, at least one staff person participating in the preparation of the baked goods must have a food handler card, if it is offered in your county. The label on the product must also state that it was prepared in a facility for developmentally disabled individuals.

Can I make and sell dog treats or pet food?

No, the Home Baked and Confectionary Goods law does not cover dog treats or pet food. Animal food, is considered commercial feed and is regulated by the Arizona Department of Agriculture. [Learn more here](#).

Can I sell my home baked and confectionary goods on-line or outside of Arizona?

The Home Baked and Confectionary Goods Law is specific to Arizona. You can sell your products on-line but only within the borders of Arizona. If you sell your product across state borders, this is considered interstate commerce and is under the jurisdiction and regulation of the US Food and Drug Agency (FDA). [Learn more here.](#)

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This page last updated February 13, 2013

Senate Engrossed House Bill

FILED

**KEN BENNETT
SECRETARY OF STATE**

State of Arizona
House of Representatives
Fiftieth Legislature
First Regular Session
2011

CHAPTER 84

HOUSE BILL 2103

AN ACT

AMENDING SECTION 36-136, ARIZONA REVISED STATUTES; RELATING TO THE DEPARTMENT
OF HEALTH SERVICES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 36-136, Arizona Revised Statutes, is amended to
3 read:

4 36-136. Powers and duties of director; compensation of
5 personnel

6 A. The director shall:

7 1. Be the executive officer of the department of health services and
8 the state registrar of vital statistics but shall not receive compensation
9 for services as registrar.

10 2. Perform all duties necessary to carry out the functions and
11 responsibilities of the department.

12 3. Prescribe the organization of the department. The director shall
13 appoint or remove personnel as necessary for the efficient work of the
14 department and shall prescribe the duties of all personnel. The director may
15 abolish any office or position in the department that the director believes
16 is unnecessary.

17 4. Administer and enforce the laws relating to health and sanitation
18 and the rules of the department.

19 5. Provide for the examination of any premises if the director has
20 reasonable cause to believe that on the premises there exists a violation of
21 any health law or rule of the state.

22 6. Exercise general supervision over all matters relating to
23 sanitation and health throughout the state. When in the opinion of the
24 director it is necessary or advisable, a sanitary survey of the whole or of
25 any part of the state shall be made. The director may enter, examine and
26 survey any source and means of water supply, sewage disposal plant, sewerage
27 system, prison, public or private place of detention, asylum, hospital,
28 school, public building, private institution, factory, workshop, tenement,
29 public washroom, public restroom, public toilet and toilet facility, public
30 eating room and restaurant, dairy, milk plant or food manufacturing or
31 processing plant, and any premises in which the director has reason to
32 believe there exists a violation of any health law or rule of the state that
33 the director has the duty to administer.

34 7. Prepare sanitary and public health rules.

35 8. Perform other duties prescribed by law.

36 B. If the director has reasonable cause to believe that there exists a
37 violation of any health law or rule of the state, the director may inspect
38 any person or property in transportation through the state, and any car,
39 boat, train, trailer, airplane or other vehicle in which that person or
40 property is transported, and may enforce detention or disinfection as
41 reasonably necessary for the public health if there exists a violation of any
42 health law or rule.

43 C. The director may deputize, in writing, any qualified officer or
44 employee in the department to do or perform on the director's behalf any act

1 the director is by law empowered to do or charged with the responsibility of
2 doing.

3 D. The director may delegate to a local health department, county
4 environmental department or public health services district any functions,
5 powers or duties that the director believes can be competently, efficiently
6 and properly performed by the local health department, county environmental
7 department or public health services district if:

8 1. The director or superintendent of the local health agency,
9 environmental agency or public health services district is willing to accept
10 the delegation and agrees to perform or exercise the functions, powers and
11 duties conferred in accordance with the standards of performance established
12 by the director.

13 2. Monies appropriated or otherwise made available to the department
14 for distribution to or division among counties or public health services
15 districts for local health work may be allocated or reallocated in a manner
16 designed to assure the accomplishment of recognized local public health
17 activities and delegated functions, powers and duties in accordance with
18 applicable standards of performance. Whenever in the director's opinion
19 there is cause, the director may terminate all or a part of any delegation
20 and may reallocate all or a part of any funds that may have been conditioned
21 on the further performance of the functions, powers or duties conferred.

22 E. The compensation of all personnel shall be as determined pursuant
23 to section 38-611.

24 F. The director may make and amend rules necessary for the proper
25 administration and enforcement of the laws relating to the public health.

26 G. Notwithstanding subsection H, paragraph 1 of this section, the
27 director may define and prescribe emergency measures for detecting,
28 reporting, preventing and controlling communicable or infectious diseases or
29 conditions if the director has reasonable cause to believe that a serious
30 threat to public health and welfare exists. Emergency measures are effective
31 for no longer than eighteen months.

32 H. The director, by rule, shall:

33 1. Define and prescribe reasonably necessary measures for detecting,
34 reporting, preventing and controlling communicable and preventable diseases.
35 The rules shall declare certain diseases reportable. The rules shall
36 prescribe measures, including isolation or quarantine, reasonably required to
37 prevent the occurrence of, or to seek early detection and alleviation of,
38 disability, insofar as possible, from communicable or preventable diseases.
39 The rules shall include reasonably necessary measures to control animal
40 diseases transmittable to humans.

41 2. Define and prescribe reasonably necessary measures, in addition to
42 those prescribed by law, regarding the preparation, embalming, cremation,
43 interment, disinterment and transportation of dead human bodies and the
44 conduct of funerals, relating to and restricted to communicable diseases and

1 regarding the removal, transportation, cremation, interment or disinterment
2 of any dead human body.

3 3. Define and prescribe reasonably necessary procedures not
4 inconsistent with law in regard to the use and accessibility of vital
5 records, delayed birth registration and the completion, change and amendment
6 of vital records.

7 4. Except as relating to the beneficial use of wildlife meat by public
8 institutions and charitable organizations pursuant to title 17, prescribe
9 reasonably necessary measures to assure that all food or drink, including
10 meat and meat products and milk and milk products sold at the retail level,
11 provided for human consumption is free from unwholesome, poisonous or other
12 foreign substances and filth, insects or disease-causing organisms. The
13 rules shall prescribe reasonably necessary measures governing the production,
14 processing, labeling, storing, handling, serving and transportation of these
15 products. The rules shall prescribe minimum standards for the sanitary
16 facilities and conditions that shall be maintained in any warehouse,
17 restaurant or other premises, except a meat packing plant, slaughterhouse,
18 wholesale meat processing plant, dairy product manufacturing plant or trade
19 product manufacturing plant. The rules shall prescribe minimum standards for
20 any truck or other vehicle in which food or drink is produced, processed,
21 stored, handled, served or transported. The rules shall provide for the
22 inspection and licensing of premises and vehicles so used, and for abatement
23 as public nuisances of any premises or vehicles that do not comply with the
24 rules and minimum standards. The rules shall provide an exemption relating
25 to food and OR drink that is:

26 (a) Served at a noncommercial social event that takes place at a
27 workplace, such as a potluck.

28 (b) Prepared at a cooking school that is conducted in an
29 owner-occupied home.

30 (c) Not potentially hazardous and prepared in a kitchen of a private
31 home for occasional sale or distribution for noncommercial purposes.

32 (d) Prepared or served at an employee-conducted function that lasts
33 less than four hours and is not regularly scheduled, such as an employee
34 recognition, an employee fund-raising or an employee social event.

35 (e) Offered at a child care facility and limited to commercially
36 prepackaged food that is not potentially hazardous and whole fruits and
37 vegetables that are washed and cut on site for immediate consumption.

38 (f) Offered at locations that sell only commercially prepackaged food
39 and OR drink that is not potentially hazardous and that is displayed in an
40 area of less than ten ~~linear~~ LINEAR feet.

41 (g) BAKED AND CONFECTIONARY GOODS THAT ARE NOT POTENTIALLY HAZARDOUS
42 AND THAT ARE PREPARED IN A KITCHEN OF A PRIVATE HOME FOR COMMERCIAL PURPOSES
43 IF PACKAGED WITH A LABEL THAT CLEARLY STATES THE ADDRESS OF THE MAKER,
44 INCLUDES CONTACT INFORMATION FOR THE MAKER, LISTS ALL THE INGREDIENTS IN THE
45 PRODUCT AND DISCLOSES THAT THE PRODUCT WAS PREPARED IN A HOME. THE LABEL

1 MUST BE GIVEN TO THE FINAL CONSUMER OF THE PRODUCT. IF THE PRODUCT WAS MADE
2 IN A FACILITY FOR DEVELOPMENTALLY DISABLED INDIVIDUALS, THE LABEL MUST ALSO
3 DISCLOSE THAT FACT. THE PERSON PREPARING THE FOOD OR SUPERVISING THE FOOD
4 PREPARATION MUST OBTAIN A FOOD HANDLER'S CARD OR CERTIFICATE IF ONE IS ISSUED
5 BY THE LOCAL COUNTY AND MUST REGISTER WITH AN ONLINE REGISTRY ESTABLISHED BY
6 THE DEPARTMENT PURSUANT TO PARAGRAPH 13 OF THIS SUBSECTION. FOR THE PURPOSES
7 OF THIS SUBDIVISION, "POTENTIALLY HAZARDOUS" MEANS BAKED AND CONFECTIONARY
8 GOODS THAT MEET THE REQUIREMENTS OF THE FOOD CODE PUBLISHED BY THE UNITED
9 STATES FOOD AND DRUG ADMINISTRATION, AS MODIFIED AND INCORPORATED BY
10 REFERENCE BY THE DEPARTMENT BY RULE.

11 5. Prescribe reasonably necessary measures to assure that all meat and
12 meat products for human consumption handled at the retail level are delivered
13 in a manner and from sources approved by the Arizona department of
14 agriculture and are free from unwholesome, poisonous or other foreign
15 substances and filth, insects or disease-causing organisms. The rules shall
16 prescribe standards for sanitary facilities to be used in identity, storage,
17 handling and sale of all meat and meat products sold at the retail level.

18 6. Prescribe reasonably necessary measures regarding production,
19 processing, labeling, handling, serving and transportation of bottled water
20 to assure that all bottled drinking water distributed for human consumption
21 is free from unwholesome, poisonous, deleterious or other foreign substances
22 and filth or disease-causing organisms. The rules shall prescribe minimum
23 standards for the sanitary facilities and conditions that shall be maintained
24 at any source of water, bottling plant and truck or vehicle in which bottled
25 water is produced, processed, stored or transported and shall provide for
26 inspection and certification of bottled drinking water sources, plants,
27 processes and transportation and for abatement as a public nuisance of any
28 water supply, label, premises, equipment, process or vehicle that does not
29 comply with the minimum standards. The rules shall prescribe minimum
30 standards for bacteriological, physical and chemical quality for bottled
31 water and for the submission of samples at intervals prescribed in the
32 standards.

33 7. Define and prescribe reasonably necessary measures governing ice
34 production, handling, storing and distribution to assure that all ice sold or
35 distributed for human consumption or for the preservation or storage of food
36 for human consumption is free from unwholesome, poisonous, deleterious or
37 other foreign substances and filth or disease-causing organisms. The rules
38 shall prescribe minimum standards for the sanitary facilities and conditions
39 and the quality of ice that shall be maintained at any ice plant, storage and
40 truck or vehicle in which ice is produced, stored, handled or transported and
41 shall provide for inspection and licensing of the premises and vehicles, and
42 for abatement as public nuisances of ice, premises, equipment, processes or
43 vehicles that do not comply with the minimum standards.

44 8. Define and prescribe reasonably necessary measures concerning
45 sewage and excreta disposal, garbage and trash collection, storage and

1 disposal, and water supply for recreational and summer camps, campgrounds,
2 motels, tourist courts, trailer coach parks and hotels. The rules shall
3 prescribe minimum standards for preparation of food in community kitchens,
4 adequacy of excreta disposal, garbage and trash collection, storage and
5 disposal and water supply for recreational and summer camps, campgrounds,
6 motels, tourist courts, trailer coach parks and hotels and shall provide for
7 inspection of these premises and for abatement as public nuisances of any
8 premises or facilities that do not comply with the rules.

9 9. Define and prescribe reasonably necessary measures concerning the
10 sewage and excreta disposal, garbage and trash collection, storage and
11 disposal, water supply and food preparation of all public schools. The rules
12 shall prescribe minimum standards for sanitary conditions that shall be
13 maintained in any public school and shall provide for inspection of these
14 premises and facilities and for abatement as public nuisances of any premises
15 that do not comply with the minimum standards.

16 10. Prescribe reasonably necessary measures to prevent pollution of
17 water used in public or semipublic swimming pools and bathing places and to
18 prevent deleterious health conditions at these places. The rules shall
19 prescribe minimum standards for sanitary conditions that shall be maintained
20 at any public or semipublic swimming pool or bathing place and shall provide
21 for inspection of these premises and for abatement as public nuisances of any
22 premises and facilities that do not comply with the minimum standards. The
23 rules shall be developed in cooperation with the director of the department
24 of environmental quality and shall be consistent with the rules adopted by
25 the director of the department of environmental quality pursuant to
26 section 49-104, subsection B, paragraph 12.

27 11. Prescribe reasonably necessary measures to keep confidential
28 information relating to diagnostic findings and treatment of patients, as
29 well as information relating to contacts, suspects and associates of
30 communicable disease patients. In no event shall confidential information be
31 made available for political or commercial purposes.

32 12. Prescribe reasonably necessary measures regarding human
33 immunodeficiency virus testing as a means to control the transmission of that
34 virus, including the designation of anonymous test sites as dictated by
35 current epidemiologic and scientific evidence.

36 13. ESTABLISH AN ONLINE REGISTRY OF FOOD PREPARERS THAT ARE AUTHORIZED
37 TO PREPARE FOOD FOR COMMERCIAL PURPOSES PURSUANT TO PARAGRAPH 4 OF THIS
38 SUBSECTION.

39 I. The rules adopted under the authority conferred by this section
40 shall be observed throughout the state and shall be enforced by each local
41 board of health or public health services district, but this section does not
42 limit the right of any local board of health or county board of supervisors
43 to adopt ordinances and rules as authorized by law within its jurisdiction,
44 provided that the ordinances and rules do not conflict with state law and are
45 equal to or more restrictive than the rules of the director.

1 J. The powers and duties prescribed by this section do not apply in
2 instances in which regulatory powers and duties relating to public health are
3 vested by the legislature in any other state board, commission, agency or
4 instrumentality, except that with regard to the regulation of meat and meat
5 products, the department of health services and the Arizona department of
6 agriculture within the area delegated to each shall adopt rules that are not
7 in conflict.

8 K. The director, in establishing fees authorized by this section,
9 shall comply with title 41, chapter 6. The department shall not set a fee at
10 more than the department's cost of providing the service for which the fee is
11 charged. State agencies are exempt from all fees imposed pursuant to this
12 section.

13 L. After consultation with the state superintendent of public
14 instruction, the director shall prescribe the criteria the department shall
15 use in deciding whether or not to notify a local school district that a pupil
16 in the district has tested positive for the human immunodeficiency virus
17 antibody. The director shall prescribe the procedure by which the department
18 shall notify a school district if, pursuant to these criteria, the department
19 determines that notification is warranted in a particular situation. This
20 procedure shall include a requirement that before notification the department
21 shall determine to its satisfaction that the district has an appropriate
22 policy relating to nondiscrimination of the infected pupil and
23 confidentiality of test results and that proper educational counseling has
24 been or will be provided to staff and pupils.

25 M. Until the department adopts exemptions by rule as required by
26 subsection H, paragraph 4, subdivision (b) of this section, a kitchen in a
27 private home that is used as a cooking school and that prepares and offers
28 food to students is exempt from the rules prescribed in subsection H of this
29 section if all of the following are true:

30 1. Only one cooking school meal per day is prepared and served.

31 2. The meal is served to not more than fifteen cooking school
32 students.

33 3. The students are informed by a statement contained in a published
34 advertisement, mailed brochure and placard posted at the cooking school's
35 registration that the food is prepared in a kitchen that is not regulated and
36 inspected by the department or by a local health authority.

APPROVED BY THE GOVERNOR APRIL 13, 2011.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 13, 2011.

Passed the House March 1, 2011

by the following vote: 43 Ayes.

14 Nays, 3 Not Voting

[Signature]
Speaker of the House

Cheryl Laube
Chief Clerk of the House

Passed the Senate April 6, 2011

by the following vote: 21 Ayes,

8 Nays, 1 Not Voting

[Signature]
President of the Senate

Chasmin Bellington
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

_____ day of _____, 20____

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of

at _____ o'clock _____ M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this _____ day of _____, 20____

at _____ o'clock _____ M.

Secretary of State

H.B. 2103

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

April 11, 2011,
by the following vote: 47 Ayes,

11 Nays, 2 Not Voting

[Signature]
Speaker of the House
Cheryl Laube Pro Tempore
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

12 day of April, 2011.

at 8:21 o'clock A. M.

[Signature]
Secretary to the Governor

Approved this 13th day of

April, 2011.

at 10:26 o'clock P. M.

[Signature]
Governor of Arizona

H.B. 2103

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 13th day of April, 2011.

at 4:59 o'clock P. M.

[Signature]
Secretary of State

Chris Poirier

From: LCMNA2@aol.com
Sent: Friday, May 03, 2013 4:11 PM
To: Robin Brigode
Cc: Ally Miller; Shirley Lamonna; Chris Poirier; Elva Pedrego; Thomas Drzazgowski
Subject: 5/7/13 BOS Regular Agenda Item #31 Co8--13-01

LCMNA

La Cañada/Magee Neighborhood Association

La Cañada/Magee Neighborhood Association, Inc.

~ an ad hoc, 501(c)4 nonprofit, all volunteer organization ~ serving the area since 1977 ~
P O BOX 90523, Tucson AZ 85752-0523 - (520) 742-2032

May 03, 2013

The Honorable Ally Miller
Supervisor, District 1
130 W Congress 11th Floor
Tucson, AZ 85701

Re: Co8-13-01 Home Occupation Code Amendment - Home Baked Goods
BOS 5/7/2013 Regular Agenda Item #31

Dear Supervisor Miller,

The La Canada / Magee Neighborhood Assn participated in this effort, has reviewed the document, is comfortable with the wording of this text code amendment, and agrees with Development Services that Pima County Code should be brought into alignment with the Arizona Revised State Statutes in this regard.

We support this text code amendment and ask that it be approved.

Thank you for the courtesy and opportunity to have participated in this endeavor.

Sincerely,

Donna

Donna Heidinger, Liaison