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Third Session, Forty-second Parliament  
71 Elizabeth II, 2022  
Legislative Assembly of British Columbia

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**BILL M 207**

**HOME-BASED CRAFT FOOD ACT**

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Mr. Ian Paton

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## BILL M 207 – 2022

### HOME-BASED CRAFT FOOD ACT

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

#### Definition

1 In this Act:

“**higher risk food**” means food that is capable of supporting the growth of disease-causing micro-organisms or the production of toxins;

“**home-based craft food**” means the following food that is produced by an individual operating out of the individual’s home:

(a) lower risk food as described in section 3 that is not time or temperature controlled for safety;

(b) higher risk food as described in section 3 that is time or temperature controlled, or both, for safety;

“**lower risk food**” means food in a form or state that is not capable of supporting the growth of disease-causing micro-organisms or the production of toxins.

#### Purpose of the Act

2 The purpose of this Act is to permit individuals to sell certain foods made in home kitchens without having to obtain a food establishment licence, use a commercial kitchen, or be subject to inspections by the province or local health authorities.

#### Time or temperature controlled food

3 (1) Lower risk food must meet one or both of the following requirements:

(a) have a water activity ( $A_w$ ) of 0.85 or less or a pH (Hydrogen ion concentration) value of 4.6 or less and be verified as lower risk food through commercial testing laboratories;

(b) sanitized by heat or chemical means to reduce the micro-organisms on a surface by 99.99%.

(2) The preparation, packaging and delivery of higher risk food must be in compliance with the food handler training program known as FOODSAFE Level 2 and carried out by an individual who is a holder of a FOODSAFE Level 2 certificate.

#### Certain food

4 (1) An individual may produce the following lower risk home-based craft food:

(a) a baked good that is not time and temperature controlled;

- (b) candy;
  - (c) coated and uncoated nuts;
  - (d) fruit butters;
  - (e) a canned jam or jelly, that are pH 4.6 or less or Aw of 0.85 or less;
  - (f) a fruit pie;
  - (g) dehydrated fruit or vegetables including dried beans;
  - (h) popcorn and popcorn snacks;
  - (i) cereal, including granola;
  - (j) dry mix;
  - (k) vinegar, wine vinegar, herb vinegar;
  - (l) pickled fruit or vegetables including beets and carrots, that are preserved in vinegar, brine or similar solution at an equilibrium pH value of 4.6 or less;
  - (m) mustard;
  - (n) roasted coffee or dry tea;
  - (o) a dried herb or dried herb mix;
  - (p) plant-based acidified canned goods, that are pH 4.6 or less or Aw of 0.85 or less;
  - (q) syrup, that are pH 4.6 or less or Aw of 0.85 or less;
  - (r) relish, that are pH 4.6 or less or Aw of 0.85 or less;
  - (s) salsa, that are pH 4.6 or less or Aw of 0.85 or less;
  - (t) honey;
  - (u) noodles;
  - (v) fresh fruit and vegetables;
  - (w) fudge;
  - (x) toffee;
  - (y) microgreens;
  - (z) apple sauce.
- (2) An individual may produce the following higher risk home-based craft food:
- (a) eggs that are maintained at 4 degrees or colder from point of packaging through to consumer receiving;
  - (b) raw meat, poultry and fish products that are frozen from point of packaging through to consumer receiving;
  - (c) canned products that are cooked for an equivalent of 121.1 degrees Celsius (250 degrees Fahrenheit) for 3 minutes;
  - (d) if food is meant to be refrigerated it must be delivered to consumer at 4 degrees or less;
  - (e) if food is meant to be hot it must be delivered to consumer at 60 degrees or above.

**Labels**

- 5 All home-based craft food must be labeled with the following information:
- (a) name and physical address of the home-based craft food production;
  - (b) the common or usual name of the product;
  - (c) if the food is made with a major food allergen, such as eggs, nuts, soy, peanuts, milk, or wheat, then that ingredient must be listed on the label;
  - (d) a statement that “This food is made in a home kitchen and is not inspected by the Ministry of Health or local health authority”;
  - (e) all raw meat, poultry and fish products must be labeled with the packaging date and notice to keep frozen.

**Where can an individual sell**

- 6 Subject to section 7, an individual may sell home-based craft food set out in sections 3 or 4 anywhere in British Columbia.

**Restrictions and conditions**

- 7 An individual who sells home-based craft food must comply with the following restrictions and conditions:
- (a) the individual may sell either or both lower risk and higher risk food;
  - (b) the individual has an annual gross income of \$75,000 or less from the sale of foods set out in sections 1, 3 or 4;
  - (c) the individual has a valid FOODSAFE Level 1 certificate for lower risk food and FOODSAFE Level 2 for higher risk food;
  - (d) the individual has a valid business permit from their local government.

**Commencement**

- 8 This Act comes into force on the date of Royal Assent.