



# Selling Homemade Food Products in New Hampshire

## The Basics - Part Three

### When is a Commercial Kitchen Food License Required?

#### Selling Homestead Food Products in New Hampshire

Starting a home-based food business is a dream of many home cooks. Beginning small, in your own kitchen, with shelf-stable baked goods and other allowed foods, is a practical way to try out this venture.

There are some food safety and legal requirements that will help to create a delicious and safe product. This fact sheet, developed from New Hampshire Food Protection Section guidance, can help to get you started. In Parts One ([https://extension.unh.edu/resources/files/Resource008106\\_Rep11826.pdf](https://extension.unh.edu/resources/files/Resource008106_Rep11826.pdf)) and Two ([https://extension.unh.edu/resources/files/Resource008107\\_Rep11827.pdf](https://extension.unh.edu/resources/files/Resource008107_Rep11827.pdf)) you learned about the kinds of foods you can make and sell in your home kitchen. In this fact sheet, we will discuss the kinds of foods that require a commercial kitchen.

*You will need a food processing license from NH DHHS Food Protection or a self-inspecting city or town if you own a store front or commercial kitchen. If it is in a separate area of your home, then it is a retail store and you will need a food prep license.*

You will need a food processing license to sell the following foods at a Farmers Market or if you sell wholesale to restaurants from NH DHHS Food Protection or self-inspecting city or town. You will also need access to a commercial kitchen to make and sell these food products:

1. Acidified foods: low-acid foods to which acid(s) or acid food(s) are added.  
Acidified foods include acidified or pickled:
  - Beans
  - Cucumbers
  - Cabbage
  - Artichokes



Photo credit: Genuine Local

Kombucha cannot be made under the Homestead Act; making it for sale requires a beverage license if the alcohol content is .5% or less. Over that limit, a liquor license is required.

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- Cauliflower
  - Puddings
  - Peppers
  - Tropical Fruits
  - Fish
  - Salsa
  - Pepper Jelly
  - Relish

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**If you are planning a new facility, you will need to submit water test results, septic approval and floor plans for commercial kitchen license requirements.**

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If you have questions about specific foods, contact NH DHHS Food Protection: [dhhs.foodprotection@dhhs.nh.gov](mailto:dhhs.foodprotection@dhhs.nh.gov) or 603-271-4589

2. Fermented foods – sauerkraut, kimchi
3. Special processes – dehydration of food. Drying herbs is permitted as a homestead product.
4. Refrigerated foods or foods requiring Time/Temperature Control for safety (TCS foods) including cheesecake, sandwiches, salads, soups, etc.

#### **Commercial Kitchen Requirements**

- Commercial refrigeration
- 3-bay sink to wash, rinse, and sanitize equipment
- Separate food prep sink
- At least one hand washing sink
- Mop sink
- Floors, walls, and ceilings are required to be smooth, durable, non-absorbent, and easily cleanable

#### **Commercial Kitchen License Requirements**

- Water test results
- Septic documentation, including approval for construction and approval for operation
- If the facility is new, then floor plans are required to be submitted for a plan review prior to construction
- Process reviews are required for acidified foods or other “canned” foods. Hazard Analysis Critical Control Point (HACCP) plan also required if licensed under food processing plant license but not if under retail store with food prep license selling at retail direct to consumer. Products sold at farmers markets fall under food processing plant licensing.

#### **Additional FDA Requirements for Acidified Foods**

- Processors of acidified foods are required to attend and satisfactorily complete a Better Process Control School (BPCS) for acidified foods.
- In addition to the BPCS, manufacturers of acidified foods are required to file and register their *scheduled processes* with the FDA.

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A scheduled process is the steps and controls you use to manufacture a food that will not permit the growth of foodborne illness causing micro-organisms.

**NH Food Protection has a detailed information on these FDA requirements (Scroll to FAQs section):**

<https://www.dhhs.nh.gov/programs-services/environmental-health-and-you/food-protection/food-processing-plants>

**For More Information**

**Food Processing Authority** University of Maine - Beth Calder  
beth.calder@maine.edu 207-581-2791  
<https://umaine.edu/food-health/food-safety/services/>

**Food Processing including Licensing, Food Processing Authorities, and Frequently Asked Questions (FAQs)**

<https://www.dhhs.nh.gov/programs-services/environmental-health-and-you/food-protection/submit-floor-plan-review>

**Floor Plan Review**

<https://www.dhhs.nh.gov/programs-services/environmental-health-and-you/food-protection/submit-floor-plan-review>

**HACCP Principles & Application Guidelines**

<https://www.fda.gov/food/hazard-analysis-critical-control-point-haccp/haccp-principles-application-guidelines>

**Homesteads Including Frequently Asked Questions about Homestead Food Businesses**

<https://www.dhhs.nh.gov/programs-services/environmental-health-and-you/food-protection/homestead-food-operations>

**New Hampshire He-P 2300 Sanitary Production and Distribution of Food**

[https://www.gencourt.state.nh.us/rules/state\\_agencies/he-p2300.html](https://www.gencourt.state.nh.us/rules/state_agencies/he-p2300.html)

**NH Food Protection Food Safety and Defense Specialist**

Royann Bossidy  
dhhs.foodprotection@dhhs.nh.gov 603-271-3989

**NH Liquor Commission**

<https://www.nh.gov/liquor/enforcement/contact-us/index.htm>

**NH Self-Inspecting Cities & Towns**

<https://www.dhhs.nh.gov/programs-services/environmental-health-and-you/food-protection/food-establishments>



### **Retail Food Establishments - Commercial Kitchens**

<https://www.dhhs.nh.gov/programs-services/environmental-health-and-you/food-protection/apply-new-license-or-change-existing>

### **For More Information UNH Extension Food Safety Field Specialists**

Mary Saucier Choate, [mary.choate@unh.edu](mailto:mary.choate@unh.edu) 603-787-6944

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### **About the Author**

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### **For More Information**

#### **State Office**

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Durham, NH 03824  
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#### **Ask UNH Extension**

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(1-877-398-4769)  
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