HOUSE BILL 833:
The FRESH Act.

2025-2026 General Assembly

Committee:	House Agriculture and Environment. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	April 16, 2025
Introduced by:	Reps. Lowery, Chesser	**Prepared by:**	Chris Saunders Committee Counsel
Analysis of:	First Edition		

OVERVIEW: House Bill 833 would direct the Department of Agriculture and Consumer Services (Department) to expand its Home Processor program to authorize the production and sale by program participants of refrigerated or frozen food products, and bakery products with cream or cream cheese fillings, including cheesecakes.

CURRENT LAW: The Department's Division of Food and Drug Protection operates a Home Processor program that allows individuals to manufacture certain food products in their home for retail sale. Currently, "low-risk foods" are the only products that may be processed in a home kitchen. These include baked goods that do not require refrigeration; jams, jellies, and preserves; candies; dried mixes and spices; some liquids, including iced tea, lemonade, and coffee; some sauces, such as salad dressings; acid and acidified foods, such as pickles and barbeque sauce, and freeze-dried fruits and vegetables. High-risk foods, including refrigerated or frozen products, bakery products with cream or cream cheese fillings, and cheesecakes must be produced in a commercial kitchen.

Products manufactured in a home kitchen must comply with federal Good Manufacturing Practices as provided in 21 CFR Part 110 and the North Carolina Food, Drug, and Cosmetic Act. These requirements include:

- The home must be free of inspects, rodents, and other pests. No pets may be inside the home.
- Food contact surfaces must be smooth and easily cleanable.
- Availability of sinks with hot and cold running water.
- Thermometers must be kept in the refrigerator and freezer to monitor temperatures.
- The processing area must be maintained in a manner to prevent food products, equipment, and supplies from being contaminated.

An applicant to become a home processor must get approval from the local zoning authority. If the home is on a well, the well must be tested for coliform bacteria and E. coli by an agency certified in well water testing. The applicant submits to the Department a business plan and a home processor application form. The home processing facility must be inspected prior to sale. Some products, including homemade cream cheese frostings and "moist" breads, cakes, and some pies, require testing for acidity or water activity.

BILL ANALYSIS: House Bill 833 would direct the Department to expand its Home Processor Program to authorize the production and sale of refrigerated or frozen food products, and bakery products with cream or cream cheese fillings, including cheesecakes, in home kitchens.

EFFECTIVE DATE: This act would be effective when it becomes law.

Kara McCraw
Director

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