VERMONT
DEPARTMENT OF HEALTH

Food Establishment Licensing Exemptions

Vermont state law (18 V.S.A. 4351) requires that a person obtain a license from the Department of Health to operate a food manufacturing facility, retail food establishment, or other place in which food is prepared and served. There are exemptions from the licensing requirements, but the law at 18 V.S.A. 4358(c) requires that a person claiming a licensing exemption provide documentation concerning their exempt status.

Home Bakery with Annual Sales <$6500

18 V.S.A. § 4358(b) provides a licensing exemption for an individual manufacturing and selling bakery products from his or her own home kitchen whose average gross retail sales do not exceed $125.00 per week (or $6500 per year).
Per the definition of "bakery" in 18 V.S.A. §4301, bakery products include "bread, cakes, pies, or other food products made either wholly or partially with flour." If your establishment produces baked goods containing ingredients that require refrigeration or temperature controls, such as meat pies or quiches, then they are not considered bakery products. Your establishment would not qualify for the exemption and you must apply for a home caterer license from the Department of Health. Further, if you prepare or offer meat products for resale to restaurants or stores you may need a license from the Vermont Agency of Agriculture.

Additionally, if your establishment sells food products to restaurants, then you will not qualify for the small home bakery exemption. Food products from unlicensed establishments are not considered an "acceptable source" of food for restaurants per the Health Regulations for Food Service Establishments §5-204; they must be sourced from a licensed food processor.

Claiming an exemption from the licensing requirements does not exempt an establishment from compliance with the Department of Health's food safety and sanitation requirements in the Health Regulations for Food Service Establishments, nor does the exemption prevent a public health inspector from inspecting your establishment to ensure those requirements are being complied with and investigating any potential health hazards.

Food Manufacturing Establishment with Annual Sales <$10,000

18 V.S.A. § 4353 provides an exemption from the Department of Health licensing requirements for food manufacturing establishments that process food for resale and have gross annual sales of less than $10,000.00.

Additionally, if your establishment sells food products to restaurants, then you will not qualify for the exemption. Food products from unlicensed establishments are not considered an "acceptable source" of food for restaurants per the Health Regulations for Food Service Establishments §5-204; they must be sourced from a licensed food manufacturer. Additionally, if you prepare or offer meat products for resale to restaurants or stores you may need a license from the Vermont Agency of Agriculture.

Claiming an exemption from the licensing requirements does not exempt an establishment from compliance with the Department of Health's food safety and sanitation requirements in the Good Manufacturing Practices for Food Rule, nor does the exemption prevent a public health inspector from inspecting your establishment to ensure those requirements are being complied with and investigating any potential health hazards.

Exempt food manufacturers must also meet the general requirements for Food Labeling for Vermont Producers and Processors.

VERMONT

Department of Health
Environmental Health
Food and Lodging Program
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HealthVermont.gov

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Agency of Human Services

SUBMIT

CERTIFICATION OF LICENSING EXEMPTION

ESTABLISHMENT NAME (dba): _____

FULL LEGAL NAME OF CORPORATION, LLC OR OWNER(S): _____

PHYSICAL ESTABLISHMENT ADDRESS: _____

PHONE: _____ EMAIL: _____

MAILING ADDRESS: _____

CONTACT PERSON: _____ PHONE: _____

DESCRIPTION OF FOOD PRODUCTS AND ANNUAL SALES (ATTACH ADDITIONAL DOCUMENTATION IF NECESSARY):

STATEMENT OF REQUESTOR

I am requesting an exemption from the licensing requirements at 18 V.S.A. 4351. I certify that my establishment and food products currently qualify for the following exemption (check box that applies):

☐ **Home Bakery with Annual Sales less than $6,500**

☐ **Food Manufacturing Establishment with Annual Sales less than $10,000**

I understand that if my status changes and I no longer meet the requirements for the exemption, I must notify the Department of Health and apply for a license as required in 18 V.S.A. 4351. I further understand that operating without a license if the exemption is not applicable may result in legal action, including civil penalties or a health order requiring that operations cease.

I certify that the information stated by me on this form is true and accurate to the best of my knowledge and that I understand providing false information or omitting information is unlawful and may jeopardize my ability to operate or subject me to civil penalties pursuant to 18 V.S.A. 130.

Printed Name: _____ Date: _____

Signature: _____ Title: _____