



# Idaho Direct to Consumer Commerce Act

A Practical Guide to  
Idaho's Direct-to-  
Consumer Food Law

# Reason for the Act

*I.C. 37-201: Facilitate the production and direct sale of homemade food and nonalcoholic drink products from producers to informed end consumers with minimal regulatory burden and to encourage the expansion of agricultural sales at farm stands, ranches, farms, and producer's homes by providing unimpeded access to food from Idaho producers.*

## NOTE:

Local governments and health districts CANNOT enforce their own food safety regulations. You are able to sell direct to consumers foods in compliance with this Act without any licensing, permitting, or inspection of food.

## Keep Basic Records

Product sold

Quantity sold

Date of production & sale

Where the food item was produced

Where each ingredient was produced or acquired (such as a grocery store)

# What This Law Allows



## **Sell:**

- Shelf stable foods
- Perishable foods (including inspected meat products)
- Non-alcoholic drinks
- Animal shares per the custom meat exemption



## **Operate from a:**

- Home, Farm, or Ranch
- Farm Stand/Farmers Market
- Cooperative market

# What This Law Does NOT Allow



Not applicable for restaurants or food trucks



No retail grocery or interstate sales or resales



Does not replace federal laws, including inspection of meat products



Does not change dairy/raw milk regulations in Idaho



Does not remove liability for unsafe food

## **Handle Food Safely!**

Refer to the Idaho Department of Health and Welfare website for safe food handling guidelines. No test is required to sell homemade food in compliance with this law.

# Animal Shares

Consumers may purchase an ownership interest in a live animal or herd before slaughter. Because the consumer already owns a share of the animal, this is not considered a retail meat sale.

## What Is Allowed

- ▶ Consumers may purchase a share of:
  - Beef cattle
  - Hogs
  - Sheep or goats
  - Other eligible livestock
- ▶ Multiple consumers may own shares in the same animal or herd
- ▶ Ownership shares may be any agreed-upon size or portion
- ▶ Meat may be transferred to the owner after processing

## To Qualify

- ▶ Ownership interest must be established before slaughter
- ▶ Meat must be received from the producer within Idaho
- ▶ Slaughter must comply with applicable Idaho law
- ▶ Packaging must be labeled: “Not for sale”
- ▶ Meat cannot be resold  
Cannot be sold in a retail market

# Helpful Definitions

## Homemade

Foods or nonalcoholic drinks that are grown, prepared, or processed at a private or leased farm, home kitchen, or other non-licensed facility. Homemade does not include food that is prepared, cooked, or served on-site for immediate consumption.

## Perishable Food

Homemade food or drinks subject to time or temperature control below 41°F or above 135°F. Examples: nonalcoholic drinks, chocolate & confections, condiments, fruits & veggies, milk & dairy products, eggs, nut; seed; & fruit butters, fresh and dehydrated pastas, raw dough, jarred or prepared fruits & vegetables that have not been hermetically sealed, meat (with exceptions), and cooked vegetables.

## Shelf-Stable Food

Homemade food or drinks that do not require time or temperature control. **Examples:** Hermetically sealed (canned) fruits or vegetables, jams, jellies, preserves & syrups, fermented foods, tallow, lard, fruit leathers, pies & turnovers, granola, nut mixes, dry soup mixes that don't contain meat, roasted coffee beans, honey, dried & dehydrated foods including jerky, baked goods without perishable ingredients.

## Designated Agent

A person, cooperative market, consignment model market, or other entity designated by a producer to facilitate producer-to-consumer transactions.

## Informed End Consumer

Person who knowingly purchases products available pursuant to the provisions of this chapter, who is the final purchaser of such product, who does not resell or redistribute the product, and for whom resale or redistribution is unlawful.



**Idaho Farm Bureau  
Federation**

For more information,  
contact  
(208) 342-2688

# Key Rules to Follow

## Direct Sales Only

- Must sell to the final consumer

## Idaho Only

- All sales must be within Idaho (intrastate commerce)

## Labeling

Must disclose on a sign, business card, or attached label:

- "This product is not subject to government food safety inspection or licensing requirements. It may contain allergens."
- Who you are (name + contact)
- What's in the product (when 2+ ingredients)

## Perishable Foods

- Include safe handling instructions

## You are still responsible for:

- Safe food practices
- Honest representation
- Consumer safety
- Record keeping



**For full bill  
definitions and  
details, see  
Idaho Code  
Title 37,  
Chapter 2**



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