PB1909

Tennessee's Food Freedom Act – 2025 Non-TCS vs TCS Homemade Food Items

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Disclaimer

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Background

Foods produced for sale to consumers may be regulated by a state agency, such as the Tennessee Department of Agriculture (TDA) or Tennessee Department of Health (TDH) or federal agencies such as the United States Food and Drug Administration (FDA) and/or the United States Department of Agriculture (USDA). Food products sold across state lines, i.e. interstate commerce, fall under federal laws giving the FDA or USDA jurisdiction. FDA regulations are in place to ensure products in interstate commerce meet the same requirements for safety across the country and are not adulterated. Meat, poultry and egg products are regulated by the USDA and must be processed in licensed facilities with a few exceptions.

State agencies typically have more regulatory oversight for most food products made and sold only within state lines. However, the USDA still controls most meat products due to the reliance on federal meat inspections within the state. To promote local food businesses, some states have laws (or exemptions within their state laws) allowing small food businesses to manufacture food products with limited or no regulatory oversight provided the products are only sold within the individual state, i.e. intrastate commerce. These laws are typically referred to as "cottage food laws." Cottage food laws vary across different states. Some states may still require a permit or inspection while others may not. One thing in common is that the food products are only allowed to be sold within the state in which they are produced. This provision is because state laws can only apply within that state, and any food products sold across state lines will be subject to federal regulations.

Tennessee's Food Freedom Act (TFFA) is an exemption in state food laws that allow home-based processors to sell their homemade food items without obtaining a permit or inspection. Originally adopted on July 1, 2022, the TFFA allowed most food products that were considered non-TCS (non-Time/Temperature Controlled for Safety), or commonly referred to as shelf stable, to be produced at a private residence without a license, inspection or permit and sold within the state. Alcoholic beverages, meat, poultry, dairy and egg products[1] as well as TCS foods were excluded from the 2022 TFFA law and required a commercial facility and food manufacturing permit for production and sale.

A 2025 change in the TFFA continues the original allowances for non-TCS foods and expands the scope to include most TCS foods and even products with poultry with some restrictions. While this publication is not intended to explain what homemade food items are allowed or not allowed under the TFFA, it attempts to clarify the components of the 2025 version of the TFFA and its limitations and explains TCS and non-TCS foods, best practices for ensuring safety of TCS foods and the properties that make non-TCS foods shelf-stable or reduce food safety risks.

Section 1 - Definitions

Definitions of key terms used in this fact sheet are provided below:

Adulteration: The contamination of a food product with any poisonous, deleterious or contaminated substance that may be injurious to health or has been produced, prepared or packaged in unsanitary conditions that could result in contamination with filth. **No laws allow the sale of adulterated foods, and the liability for selling a food that causes an illness falls on the food producer.**

Allergens: Nine major allergenic foods according to the FDA are considered chemical hazards if not properly listed on any product's packaging: milk, eggs, fish, crustacean shellfish, tree nuts, peanuts, wheat, soybean and sesame. These ingredients must be included in the ingredient list using these names (and for fish and tree nuts must include the species of fish or type of nut). Common ingredients missed are "whey," which is considered milk, and "lecithin," which may be from either egg or soy. Improperly labeled products containing allergens can be life-threatening to those with severe allergies. Most commercial food product recalls are due to improper listing or omission of allergens on the label.

Major Food Allergens Requiring Labeling in the US
Milk
Eggs
Fish (Include type of fish)
Crustacean Shellfish
Tree Nuts (include type of nut)
Peanuts
Wheat
Soybean
Sesame

[1]Find regulatory requirements for Tennessee producers raising, packing and selling eggs from their own flocks of fewer than 3,000 laying hens as well as suggested practices for cleaning, sanitizing, packaging and storing shell eggs to reduce food safety risks in UT Extension publication PB1898 Egg Sales in Tennessee: Requirements and Suggested Practices for Producers with Small Flocks.

Code of Federal Regulations (CFR): Includes the laws enforced for food safety by the FDA (Title 21), USDA (Title 9) or EPA (Title 40).

Cross Contamination/Cross Contact: The transfer of microorganisms or allergens from one surface or food to another. Many food recalls can be attributed to cross contamination or cross contact, either between raw and processed products or from residue on equipment surfaces or utensils to a food product.

Current Good Manufacturing Practices (cGMP): 21 CFR part 117, subpart B; describes in detail regulatory requirements for personnel, production facilities, sanitary operations, equipment, processes and warehousing for producing safe foods. All food manufacturers, other than those under the TFFA, must comply with these cGMP laws. These are the minimum sanitary standards and practices typically required to make unadulterated foods. **Home-based processors are encouraged to learn about cGMPs and adopt as many of these practices as possible when making food products for sale in their home kitchen.**

Food and Drug Administration (FDA): The federal government agency that regulates most processed/manufactured foods and non-meat products in the United States. FDA has jurisdiction over foods in interstate commerce. FDA has the ability to seize foods, force a product recall or stop production by a food manufacturer when it considers the product to be hazardous to public health.

Food Code: Document published by the FDA that provides technical and legal guidelines for regulating the retail and food service industry. It addresses the safety and protection of food offered at retail and in food service establishments. The Food Code is typically adopted as part of state laws to ensure that food is unadulterated, safely prepared/stored and honestly presented to consumers.

Food Manufacturing: The processing, preservation and packaging (if packaged) of foods for sale where the intent is for the foods to be purchased and prepared or consumed at another time or location. A food manufacturing permit in Tennessee is provided by the TDA. Examples of manufactured foods include snacks, bottled/packaged dairy products, canned foods, refrigerated or frozen foods and most any food packaged for longer shelf-life.

Food Service: The preparation and serving of food to consumers at the same location, such as in a restaurant, or intended for immediate consumption, such as a takeout meal. Most food service items are not packaged and are usually consumed within a few hours or days (if refrigerated). Food service establishments (retailers, restaurants, caterers, food trucks, etc.) are usually permitted in Tennessee by the TDH.

Hazards: Any microbiological, chemical or physical contaminant that may cause injury or illness. All food manufacturers must identify and try to prevent hazards which are reasonably likely to occur in their products/processes. Common examples of these hazards include a pathogenic microorganism, presence of an unintended allergen or mycotoxin, and glass or metal contaminants.

Homemade Food Item: Homemade food item means a food, including a non-alcoholic beverage, which is produced and (if) packaged at the private residence of the producer. Currently, this is interpreted as having less than 0.5% alcohol in the final product.

Mycotoxin: Toxins produced by fungus or mold during production or storage that can cause illness. Foods such as grains, dried beans, nuts, fruits and coffee are examples of foods that may contain mycotoxins.

Non-Time/Temperature Control for Safety Food (non-TCS): A food that does not require time and/or temperature control for safety to limit the rapid and progressive growth of infectious or toxigenic microorganisms. Most shelf stable foods, i.e. those adequately preserved and stored under non-refrigerated temperatures, are considered non-TCS. However, these definitions may vary slightly by state, especially when applied to cottage food production.

Pathogenic Microorganism: As related to food safety, includes any bacteria, viruses, fungi or protozoa that cause disease/illness in humans. Common examples include some strains of: E. coli, Listeria, Salmonella, Campylobacter, Clostridium perfringes, Clostridium botulinum, Bacillus cereus, Hepatitis virus and Norovirus.

pH: pH is a measure of the degree of acidity or alkalinity of a food or solution. Values between 0 and 7 indicate acidity, and values between 7 and 14 indicate alkalinity. The value for pure distilled water is 7, which is considered neutral. Most foods are acidic with a pH less than 7. Products with a pH > 4.6 (commonly referred to as low acid foods) are the most susceptible to pathogenic microorganism growth and spoilage. More acidic foods, pH < 4.6, are less likely to cause foodborne illness because they prevent the growth of many pathogenic microorganisms.

Sub-ingredients: When any of the ingredients in a food product also have their own ingredients, these are considered sub-ingredients and must be listed in parentheses in the ingredient statement (in order of predominance by weight). For example, an ingredient list for chocolate chip cookies may include: enriched bleached flour (wheat flour, niacin, reduced iron, thiamin mononitrate, riboflavin, folic acid), butter, milk chocolate (sugar, cocoa butter, milk, cocoa liquor), brown sugar, cane sugar, eggs, vanilla extract, sodium bicarbonate, salt. Two of the ingredients, enriched bleached flour and milk chocolate, each have sub-ingredients.

Time/Temperature Control for Safety Food (TCS): A food that requires time and/or temperature control for safety (TCS) to limit pathogenic microorganism growth or toxin formation. TCS foods should not be held in the danger zone between 41 F and 135 F to prevent microbial growth. If they are held within this temperature range, they are usually discarded after a short time (2 to 4 hours) because bacteria can grow rapidly at these temperatures. Operations requiring heating or cooling of food should be performed as rapidly as possible to avoid the possibility of bacterial growth.

United States Department of Agriculture (USDA): A federal government agency that regulates red meat, poultry, egg products and products containing meat. Since many states rely on USDA inspection of meats, most meat products are not allowed under cottage food laws.

Water activity (Aw): A measure of the availability of water for microbiological growth. Aw ranges from 0 (a completely dried product) to 1.0 (pure water). Water activity is related to the equilibrium relative humidity of air around the food product if sealed within a package. For example, a product with a water activity of 0.95 (like freshly cut fruits and vegetables) when sealed inside a container will equilibrate with their surroundings and increase the relative humidity to 95 percent. Lowering a food product's Aw value to less than 0.85 can be used to prevent the rapid growth of most microorganisms.

Section 2 - Regulatory Requirements

The 2025 Tennessee Food Freedom Act (TFFA) allows homemade, non-TCS and certain TCS food products to be produced at a private residence without a food manufacturing license or permit from TDA or TDH. However, these products must be sold only within the state of Tennessee. The TFFA also includes the following allowances and restrictions:

1. **Products must be produced/prepared at a private residence.** Processors cannot use any location other than a private residence. If making products in a community kitchen, restaurant, church or other commercial facility, a food manufacturing permit is required from TDA (for manufactured foods) or from TDH (for food service) regardless of whether the food is TCS or non-TCS.

2. **TCS homemade food items cannot include unpasteurized (raw) milk, alcohol, red meats (beef, lamb or pork), meat by-products, fish and shellfish products. Home-based food businesses may include poultry, poultry byproducts or poultry food products if the business operates as a poultry producer in compliance with the 1,000-poultry exemption or uses federally or state-inspected and passed poultry products bearing the official mark of inspection.** USDA inspected poultry products (e.g. raw chicken) can be purchased from a grocery store. Canning of poultry products are not allowed under the TFFA (as excluded from 9 CFR 381.10. (d)).

3. **Homemade food items may be sold only within the state of Tennessee.** No sales are allowed across state lines. Products sold across state lines are required to be manufactured in a commercial facility under a food manufacturing permit and follow all applicable state and federal regulations.

4. **Non-TCS products may be sold in person, remotely, by an agent of the producer or by/through a third-party vendor.** Example sale venues include internet, phone, farmers market, roadside stand, grocery stores and other retail stores. Food service establishments such as restaurants are not allowed to use homemade food items due to the compliance requirements of the Food Code (FDA Food Code 2022).

5. **Non-TCS products must be delivered by the producer to the consumer, an agent of the producer, third-party vendor or third-party carrier to the consumer.**

6. **TCS products must be sold in person or by an agent of the producer in person, direct to the consumer.** No third-party vendors, like grocery stores or restaurants, are allowed to sell homemade TCS food items.

7. **The home-based producer must not impede the TN Department of Health in an investigation of a reported foodborne illness.** The Department of Health would likely contact a home-based producer while investigating a possible link to a foodborne illness.

8. **Specific labeling requirements are included as part of the TFFA which applies to all homemade food items for sale in Tennessee.** Products allowed to be produced and sold whether TCS or non-TCS must meet the labeling requirements. Labeling requirements ensure that specific information must be provided to the consumer as described in Section 4.

TCS products must be sold in person or by an agent of the producer in person, direct to the consumer.

TCS homemade food items cannot include unpasteurized (raw) milk, alcohol, red meats (beef, lamb, or pork), meat by-products, fish, and shellfish products.

Selling homemade food items to restaurants is not allowed.

TCS homemade food items must be stored, distributed and sold under proper temperature control.

Non-TCS vs TCS Frosting

Frosted cupcakes with water activity **below 0.88** are considered non-TCS and do not require refrigeration for safety (may be refrigerated to delay spoilage).

Frosted cupcakes (or with fresh fruit topping) having water activity **above 0.88** are considered TCS and require refrigeration for safety.

Section 3 - TCS versus Non-TCS

Some foods allow bacteria to grow and multiply more easily and quickly over time than others when held at specific temperatures. These foods are referred to as time and temperature control for safety (TCS) foods. By controlling the time and temperature at which TCS foods are held, pathogenic microorganism growth and/or toxin formation can be slowed or limited. Some foods considered to be TCS include but are not limited to:

- animal-based products that are raw or cooked/heated (e.g. meat, poultry, fish, egg and dairy products)
- plant-based products that have been cooked/heated (and not canned) or consist of raw seed sprouts, cut melons, cut leafy greens or cut tomatoes
- fresh garlic-in-oil mixtures
- products in Tables A and B below designated as Product Assessment Required (PA) due to pH and Aw
- foods requiring temperature control (refrigerated or frozen products)

TCS homemade food items pose higher risks for both the producer and consumer. They not only have a higher risk of making someone sick if not processed, stored or handled correctly, they can also cross-contaminate non-TCS products, and TCS food items can have higher product losses or quality problems due to their perishable nature and potential for spoilage if not sold quickly.

Bacteria that are capable of growing in foods are referred to as vegetative cells, and many foods are heat treated, or cooked, prior to packaging to kill these vegetative cells. Since very few TCS foods are completely sterile, if the conditions are conducive to bacterial growth, the bacteria can double in a food every 20-30 minutes. This rapid growth of bacteria will certainly spoil the food. If pathogenic bacteria are present and grow, they will cause a foodborne illness.

Some bacteria species can produce spores that protect them from heat (spores can survive for up to 10 hours in boiling water) and allow them to grow (as vegetative cells) after the heat is removed. These spore-forming bacteria are one of the main concerns in TCS foods that were previously heated to kill vegetative cells whether packaged or not. Other TCS foods may not even be heated or packaged, so time and temperature control (usually less than four hours before consumption or held under continuous refrigeration) is used to prevent rapid growth of any bacteria that are in the raw ingredients or final food product. Typically, low numbers of microorganisms will not cause noticeable spoilage in a few hours, but some pathogenic bacteria can cause illness even if ingested in low numbers.

As shown in the tables below, the interaction of water activity (Aw) and pH can be used to categorize many foods as non-TCS. Certain values, or combinations, of pH and water activity will limit the growth of spores and/or vegetative cells of bacteria in a food product. These products have been suitable for homemade food items under the TFFA since its inception. However, those that have a pH and Aw combination that is listed as PA are considered TCS unless otherwise evaluated by a process authority (expert on safe food manufacturing) to determine if they require time and temperature control for safety to prevent growth or toxin formation of pathogenic microorganisms. The 2025 version of the TFFA allows certain homemade TCS food items if they are sold in person, directly to consumers within the state of Tennessee.

Table A. Interaction of pH and A_w for control of spores in food heat-treated to destroy vegetative cells and subsequently packaged.

A_w values	pH: 4.6 or less	pH: > 4.6-5.6	pH: > 5.6
≤ 0.92	non-TCS food*	non-TCS food	non-TCS food
> 0.92-0.95	non-TCS food	non-TCS food	PA**
> 0.95	non-TCS food	PA	PA

*** TCS Food means Time/Temperature Control for Safety Food**
**** PA means Product Assessment required, otherwise it should be considered TCS**

Table B. Interaction of pH and A_w for control of vegetative cells and spores in food not heat-treated or heat-treated but not packaged.

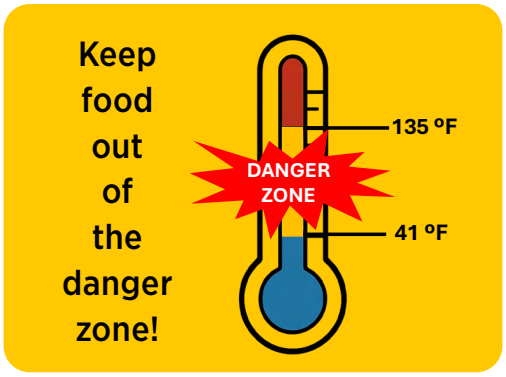
A_w values	pH: 4.6 or less	pH: > 4.6-5.6	pH: > 5.6
< 0.88	non-TCS food*	non-TCS food	non-TCS food
0.88-0.90	non-TCS food	non-TCS food	PA**
> 0.90-0.92	non-TCS food	PA	PA
> 0.92	non-TCS food	PA	PA

*** TCS Food means Time/Temperature Control for Safety Food**
**** PA means Product Assessment required, otherwise it should be considered TCS**

Some examples for TCS foods:

Section 4 - Safe Handling of TCS Foods

Because TCS foods can support the rapid growth of pathogenic microorganisms, the product must be held at temperatures that slow or prevent this growth. For example, cooking a product to a specific internal temperature will typically kill microorganisms. Once cooked however, the product must be either held hot or rapidly cooled to prevent any microbial growth due to recontamination from the environment after cooking. If the product is held at temperatures in which microorganisms can grow, then the time held at these temperatures must be limited. This section explains temperature and time controls for TCS foods to maximize safety and minimize chances of spoilage.



Part I – Temperature Control for TCS Foods

a. Cooking

The effectiveness of cooking in killing pathogens depends on various factors such as anticipated level of pathogenic bacteria in the raw food, its initial and final temperature during cooking, the duration the food is held at a specified internal temperature and the product's mass or volume that influences the time needed to reach the target internal temperature. To effectively kill microorganisms, food must be held at a sufficiently high temperature for a specified period of time. Both the temperature and time depend on the microorganisms that present a risk with the particular food item.

Poultry, for example, typically contains a greater number and variety of pathogenic microorganisms compared to other raw products. As a result, higher cooking temperatures combined with the sufficient holding time are required to ensure its safety. For example, the minimum internal temperature for all poultry, including chicken, is 165 F, as recommended by both the FDA and USDA (FDA Food Code 2022).

b. Cooling

Proper cooling is essential to prevent the growth of pathogenic microorganisms in cooked or heated foods. Failing to cool food properly can allow surviving bacteria to multiply to dangerous levels. To ensure food safety, cooked foods must be cooled quickly through the "danger zone," the temperature range between 135 F and 41 F, where bacteria multiply most rapidly. The general guideline for safe cooling is the two-stage cooling method:

- **First Stage:** Cool from 135 F to 70 F within two hours.
- **Second Stage:** Then cool from 70 F to 41 F within an additional four hours.

To facilitate rapid cooling of TCS foods:

- Divide large portions into smaller, shallow containers.
- Use ice baths or ice wands to reduce temperature quickly.
- Avoid tightly covering hot food. Vent containers to allow steam to escape.
- Stir liquids frequently to promote even and rapid cooling.

c. Storage and Distribution

To prevent the growth of pathogenic microorganisms, TCS foods must be kept at proper temperatures during storage and distribution. Improper temperature control allows spoilage or pathogenic microorganisms to grow, especially when food is held within the temperature danger zone (41 F to 135 F). Extended exposure to this temperature range significantly increases the risk of foodborne illness. By ensuring food is held at temperatures either below 41 F or above 135 F, bacterial growth can be slowed or prevented.

Hot Holding:

- Keep hot food at 135 F or above.
- Common for foods on steam tables, buffets or in hot boxes.
- Stir food regularly to maintain even temperatures.
- Use calibrated thermometers to verify internal product temperature.

Cold Holding:

- Keep cold food at 41 F or below.
- Applies to foods stored in refrigerated units, salad bars and cold holding trays.
- Cover and label food. Avoid overcrowding to allow proper air circulation.
- Use calibrated thermometers to verify internal product temperature.
- Label food items with "Keep Refrigerated" to inform customers.

Part II –TCS Foods with Only Time Control for Safety, Holding TCS Foods in the Danger Zone (41 F – 135 F)

The "danger zone" in food safety refers to the temperature range at which bacteria grow rapidly. According to the FDA Food Code 2022, this temperature range is defined as 41 F to 135 F. Holding food within this range of temperatures allows the bacteria to grow to levels that may cause illness if the food is held too long before being consumed. To reduce bacterial growth, it is critical to limit the duration that food stays in the danger zone temperature range.

TCS foods must be either:

- Cooked properly and sold above 135 F if hot foods,
- Refrigerated and sold below 41 F or frozen, if cold foods
- Discarded within the time limit listed below if held between 41 F and 135 F.

Limits for using only time as a control for public safety of TCS foods include:

Cold foods held without temperature control:

- Initial temperature of 41 F or less when removed from cold holding temperature control, must be discarded after four hours (unless kept below 70 F).
- Initial temperature of 41 F or less when removed from cold holding temperature control and kept below 70 F, must be discarded after six hours.
- It is recommended to label the food items with a time stamp when removing from temperature control.

Hot foods held without temperature control:

- Initial temperature of 135 F or greater when removed from hot holding temperature control, must be discarded after four hours.
- It is recommended to label the food items with a time stamp when removing from temperature control.
- Ready-to-eat cut fruit or vegetable and ready-to-eat hermetically sealed food after opening held without temperature control:
- Initial temperature of 70 F or less, the product temperature must not exceed 70 F at any point during a maximum holding time of four hours. The food must be discarded after four hours upon cutting and opening.
- It is recommended to label the food items with a time stamp when removing from temperature control.

Any TCS food that has reached the maximum time after being removed from temperature control must be marked or identified. Food in unmarked containers or packages, or those marked with a time that exceeds the allowed limit, must be discarded.

Section 5 - Labeling Requirements

The TFFA requires specific information to be provided to the consumer. In most cases, the information must be on the label attached to the product packaging, although there are other options for bulk packaging as described later in this section. All homemade food products sold in Tennessee must include the following information as directed in the TFFA:

1. Producer contact information including:
   - Producer's (or Business) Name
   - Home physical address (no PO Box)
   - Telephone number (for producer or business)
2. Common/usual name of the homemade food product
3. Ingredients of the food item in descending order of predominance by weight (including sub-ingredients in parentheses)
4. The following statement: **"This product was produced at a private residence that is exempt from state licensing and inspection. This product may contain allergens."**
5. Although the TFFA does not require net weights to be listed on the label, the net weight may be included. Pre-packaged goods are not required to be weighed using a licensed scale, however, the net weight on the label must be accurate.

In addition to the requirements above, including a "Keep Refrigerated" notice on the label of TCS-foods is strongly recommended to inform buyers that the product requires refrigeration as a temperature control for safety.

The information required must be provided in one of the following forms/formats depending on packaging and sale:

- On a label attached to the product packaging. If the product is packaged, regardless of the method of sale, the seller must include the above information on the packaging label.
- On a label attached to the bulk container, if the product is being sold out of a bulk container.
- On a placard, or sign displayed at the point of sale, if the product is not packaged or sold from a bulk container.
- On the website where the product is sold, if the item is sold on the internet. If packaged, the product's package must also include the required label information.
- If the product is sold by telephone or custom order, the seller does not need to display the information required above, but the seller has to disclose to the consumer that the product is produced at a private residence that is exempt from state licensing and inspection and may contain allergens. If packaged, the product's package must also include the required label information

Section 6 - Additional Considerations

Homemade food producers should note that the Tennessee Food Freedom Act does not exempt them from providing a safe unadulterated product to consumers, food safety liability or following other business regulations. Homemade food producers should take care to process, store and transport foods safely (especially TCS food items), and it is recommended they develop a comprehensive risk management plan that includes food safety education, familiarity with cGMPs, good production/process recordkeeping, development of a recall plan and choice of a business structure with product liability insurance. Producers should determine how other business regulations such as those for business licenses, business taxes and sales tax apply to their specific situation/location.

Homemade food producers should also recognize that some markets or retailers may not allow or purchase products produced in unlicensed facilities due to regulatory limitations or as part of their own risk management strategies. For instance, the Tennessee Department of Health does not allow restaurants or other food service establishments to use any homemade products in their menu items due to the adoption of the Food Code. This prevents restaurants from using homemade products such as sauces, condiments or ingredients in products served to customers by their establishment

Producers who choose to make homemade food items at their private residence and sell them must comply with ALL requirements of the law. There are no exemptions from the limitations on products (and their ingredients) which may be produced and sold or the labeling requirements, including the requirement to list the producers name, home address and telephone number on the label attached to each packaged product (regardless of how it is sold).

Section 7 - Summary

The Tennessee Food Freedom Act allows homemade food producers to process many TCS and non-TCS food items at their private residence for sale to the public within Tennessee. The latest version of the TFFA only states that TCS foods containing unpasteurized (raw) milk, alcohol, fish, shellfish products, red meats (beef, lamb, and pork), meat byproducts or meat food products are not allowed. Producing and selling TCS foods comes with a significantly higher risk (for the producer and consumer) than non-TCS foods. For this reason, TCS foods must be sold in person direct to the consumer. Also, labeling requirements apply to all homemade food items under the TFFA including producer information and the disclosure statement.

The TFFA limits homemade food producers without a license or permit to only manufacture foods at their private residence. Anyone manufacturing food items in community kitchens will need to move their operations to their own private residence or obtain a food manufacturing permit from the Tennessee Department of Agriculture (TDA).

Finally, this document outlines only the minimum requirements needed to legally produce and sell homemade food items in Tennessee without a permit or inspection by the TDA or TDH. Many of the products allowed under the TFFA require carefully controlled processing procedures and sanitary practices to make them safe for consumers. Holding TCS foods at proper temperatures and for limited times is essential for reducing the TCS food's risks to consumers. It is recommended that TCS food items (if refrigerated) include the words "Keep Refrigerated" on the label to inform the consumer. Seeking the help of a process authority to determine whether products are TCS or non-TCS is a good practice to reduce food safety risks.

Section 8 - Additional Resources and References

For more information on processing, producing or testing any homemade food products, contact:

University of Tennessee
Department of Food Science
2510 River Drive
Knoxville, TN 37996
Phone: 865-974-7331
Email: foodsci_ext@utk.edu
Website: foodscience.tennessee.edu/

Tennessee Department of Agriculture
Consumer and Industry Services, Food Safety Section
Ellington Agricultural Center
36 Hogan Road
Nashville, TN 37220
Phone: 615-837-5193
Email: NewFood.Business@TN.gov

Website: tn.gov/agriculture/consumers/food-safety/tennessee-food-freedom-act.html

More information about business regulations, marketing, and risk management may be obtained from the following sources:

- UT Extension Center for Profitable Agriculture - cpa.tennessee.edu
- Tennessee Small Business Development Center - tsbdc.org/

References and Resources:

- Tennessee Code Annotated – § 53-1-118 with interpretations. Exemption for production and sale of homemade food items: https://foodscience.tennessee.edu/wp-content/uploads/sites/52/2025/12/TENN_53-1-118_FINAL.pdf
- UT Extension publication PB1898 Egg Sales in Tennessee: Requirements and Suggested Practices for Producers with Small Flocks: tiny.utk.edu/PB1898
- Code of Federal Regulations, cGMP regulations: ecfr.gov
- 2025 State of Tennessee Public Chapter No. 431, Senate Bill No. 484, By Bowling and Lowe publications. https://publications.tnsosfiles.com/acts/114/pub/pc0431.pdf
- 2022 State of Tennessee Public Chapter No. 862, Senate Bill No. 693, By Niceley, Bowling, Crowe - publications.tnsosfiles.com/acts/112/pub/pc0862.pdf
- 2022 Food Code - fda.gov/food/fda-food-code/food-code-2022

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