



Tennessee Food Freedom Act 2025

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Tennessee Food Freedom Act - History

- Prior to 2007, Tennessee laws prohibited the sale of home-made foods
- 2007 – Beginning of TN “Cottage Food Laws”
 - Allowed only NON-POTENTIALLY HAZARDOUS foods
 - TDA licensed home-based producers and inspected domestic kitchens
 - Required Food Safety Training – UT’s Domestic Kitchen Course

Tennessee Food Freedom Act - History

- **2012 – Inspection/permitting a home kitchens became OPTIONAL**
 - **Signage required: "These food products were made in a private home not licensed or inspected."**

- **2017 – TDA stopped all Licensing/permitting of Domestic Kitchens**
 - **Producers could still only make NON-POTENTIALLY HAZARDOUS foods**
 - **Foods could be made in:**
 - **A home kitchen**
 - **Community kitchen (shared space)**
 - **Commercial kitchen (church, restaurant, or school, for example)**

Tennessee Food Freedom Act - History

- **2022 – First version of TFFA passed by the state Legislators**
 - **Allows only “homemade food items” (and created a definition)**
 - **Replaced - NON-POTENTIALLY HAZARDOUS with NON-TCS**
 - **Producers must use their private residence! (no community or commercial kitchens allowed without a permit)**
 - **Homemade food items could NOT include (or contain):**
 - **alcoholic beverages,**
 - **meat, fish, eggs**
 - **dairy products, or other TCS foods**

- **Side note – many complaints from “cottage food” producers...**
 - **Complaints about limitations/confusion**
 - **Complaints about location restrictions**
 - **Complaints about labeling requirements**

Time/Temperature
Controlled for
Safety

Tennessee Food Freedom Act – Current Version

- 2025 – CURRENT VERSION OF TFFA
- TFFA was modified (by the state legislators) to expand allowable foods
 - Still allows non-TCS homemade food items made at a private residence
 - [Added most TCS FOODS with some limitations and restrictions](#)



State of Tennessee

PUBLIC CHAPTER NO. 431

SENATE BILL NO. 484

By Bowling, Lowe

Substituted for: House Bill No. 130

By Reneau, Reeves, McCalmon, Todd, Davis

AN ACT to amend Tennessee Code Annotated, Title 53 and Title 68, Chapter 14, Part 7, relative to homemade food items.

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Tennessee Food Freedom Act - 2025

- **New changes went into effect July 1, 2025**
- **What is the TFFA exactly?**
 - The TFFA is an exemption in the state's food manufacturing regulations for homemade food items produced and sold in Tennessee.
- **From Tenn. Code Ann. 53-1-118:**
 - "... the production and sale of homemade food items under this chapter **are exempt from all licensing, permitting, inspecting, packaging, and labeling laws of this state**, except when the department of health is investigating a reported foodborne illness."
- **However, some limitations in the Act itself limit the types of homemade food items and where they can be sold, so this first statement is misleading!**

Definition of a Homemade Food Item?

- “Homemade food item” means a food item, including a non-alcoholic beverage, which is produced and, if packaged, packaged **at** the private residence of the producer;
(Tenn. Code Ann. § 53-1-102)
- *This is the part of the Code that requires these homemade food items to be made at your private residence.*

What homemade food items can be sold under the 2025 – TFFA?

- **TCS homemade food items must:**

- Not include unpasteurized milk or foods that are, or that contain, alcoholic beverages, fish, shellfish products, meat, meat byproducts, or meat food products;

- **Non-TCS, homemade food items must also:**

- *Not include unpasteurized milk or foods that are, or that contain, alcoholic beverages, fish, shellfish products, meat, meat byproducts, or meat food products;*
- *However, this list of restrictions was lost in the current code.*

- ***We'll see later that poultry meat is allowed...***



Time/Temperature Control for Safety or not?

What are TCS and non-TCS Foods?
How do you make the distinction?

TCS vs non-TCS Foods

Time/Temperature Control for Safety Foods (TCS)

- require time and/or temperature controls to limit rapid and progressive growth of microorganisms or toxin formation that will make someone sick
- Most refrigerated or frozen foods are considered TCS
 - Keep Refrigerated
 - Consume Quickly

Non-Time/Temperature Control for Safety Foods (non-TCS)

- **do not** require time or temperature control for safety to limit rapid and progressive growth of microorganism or toxin formation
- Non-TCS does not mean foods won't spoil (e.g. bread)
- Shelf stable (or preserved) foods are commonly considered non-TCS (pickles)

pH and Water Activity are two properties used to distinguish TCS and non-TCS foods

- **pH – measure of degree of acidity**
 - Most foods are acidic or slightly acidic with pH less than 7.0
- **Water Activity (A_w) – measure of moisture available for microbial growth**
 - A_w ranges from 0 – 1.0
 - $A_w = 0.85$ is similar to relative humidity of 85%
- **Combinations of these two properties can be used to identify non-TCS foods**



pH electrode



Water activity meter

TCS vs non-TCS Foods

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

- **Must be a validated heat-treatment (kills 99.999%)**
- **Product may not be shelf-stable and can still spoil**

TCS vs non-TCS Foods

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

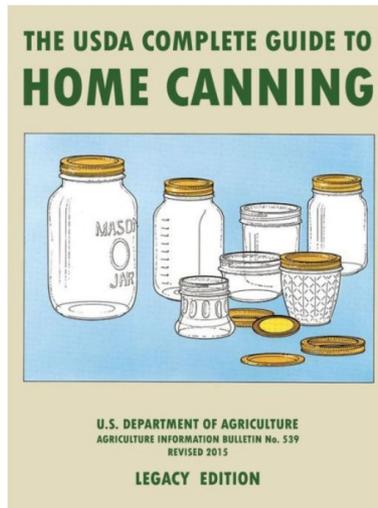
| A_w values | pH: < 4.2 | pH: 4.2 - 4.6 | pH: > 4.6 - 5.0 | pH: > 5.0 |
|---------------|---------------|---------------|-----------------|--------------|
| < 0.88 | non-TCS food* | Non-TCS food | non-TCS food | non-TCS food |
| 0.88 – 0.90 | non-TCS food | non-TCS food | non-TCS food | PA** |
| > 0.90 – 0.92 | non-TCS food | non-TCS food | PA | PA |
| > 0.92 | non-TCS food | PA | PA | PA |

* TCS FOOD means TIME/TEMPERATURE CONTROL FOR SAFETY FOOD

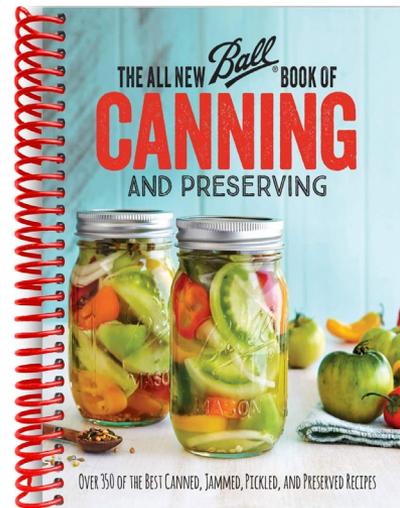
** PA means Product Assessment required

What are some sources of validated thermal processes?

- Canned foods which have undergone a validated thermal process are considered non-TCS.
- The processes applied to these items should come from a recognized publication or a process authority.



Validated sources



Process Authority

Examples of TCS vs non-TCS Foods

| NON-TCS examples | Why these are non-TCS | TCS examples | Why these are TCS |
|--|---|---|--|
| Acidified canned foods: pickles, salsas, relishes, BBQ sauce | Low pH due to adding acid and water bath canning process to make shelf-stable | Fresh: slaw, salsa, pico de gallo, cut vegetables, salads | High pH and high Aw Neither parameter prevents pathogen growth |
| Low acid canned foods: vegetables, beans, pepper jam with pH > 4.6 | Proper pressure canning process required make safe and shelf-stable | Fresh cut vegetables or fruits | High Aw and/or High pH |
| Bottled condiments: mayonnaise, ketchup, mustard, hot sauce | Low pH and canning process required to make shelf-stable | Freshly made condiments | pH or Aw may allow bacteria to survive or grow if not heat processed |
| Fermented foods: sauerkraut, kombucha | Low pH achieved by proper fermentation | | |
| Dairy products: hard, aged cheeses, butter | Low Aw and/or low pH | Dairy products: pasteurized milk, fresh cheese, yogurt | High Aw and pH |
| Pasteurized and bottled beverages: teas, fruit drinks, lemonade | Low pH & proper heat treatment during bottling required to make shelf-stable | Beverages not heat treated: fresh apple cider | High Aw and lack of heat treatment may allow pathogens to survive |

TCS vs non-TCS Foods

| NON-TCS examples | Why these are non-TCS | TCS examples | Why these are TCS |
|---|--|--|--|
| Dried foods: pasta, spice blends, rice, fruits, vegetables, nuts, granola | Low Aw | Cooked: rice, pasta, vegetables | High Aw after cooking |
| Canned fruits, jams, jellies, syrups | pH less than 4.6 due to fruits and/or Aw < 0.85 due to high sugar content Most products thermally processed to make shelf-stable | Fresh cut fruits | High Aw and no thermal process |
| Baked Goods: Breads, cookies, cakes, etc. | Low Aw Frosting or filling must also have low Aw (< 0.88) | Pastries or baked goods with cream filling or filling added after baking | Typically High Aw Testing recommended to show Aw < 0.88 |
| Candy, chocolate, caramels, peanut brittle, etc | Low Aw | Potentially caramel apples | Bacteria has been found to grow around sticks placed in caramel apples |

Safe Handling of TCS Foods

■ Common TCS foods:

- animal-based products (meat & eggs)
- plant-based products that have been heat-treated (cooked)
- raw seed sprouts, cut melons, cut leafy greens, cut tomatoes
- fresh garlic-in-oil mixtures
- refrigerated or frozen products

■ TCS foods must be kept out of the “Danger Zone” between 41 °F – 135 °F

or

■ TCS foods must be discarded after 2-4 hours if not temperature controlled (*2022 Food Code*)

Something to consider: Are you willing to throw away a TCS product if not sold within 2-4 hrs?

Tennessee Food Freedom Act - 2025

■ General LIMITATIONS on Homemade food products:

- must be produced at your private residence
- must be sold only within the state of Tennessee
- must meet specific labeling requirements (in the Act)



■ Non-TCS food items:

- can be sold in person or remotely, or
- through a third-party vendor such as a grocery store

■ TCS food items: **must be sold in person direct to consumers only**

■ TCS foods items: *must be kept under temperature control:*

- *Refrigeration (less than 41 °F) during storage/transport and while being sold*

Tennessee Food Freedom Act - Poultry

■ Other changes in the 2025 TFFA

- Homemade TCS food items can include **poultry or poultry food products** if:

A) the home-based business is a compliant poultry producer with less than 1,000 poultry and uses only exempted poultry products

B) complies with 9 CFR 381.10(d) and uses only inspected poultry products bearing the official mark of inspection

For example, chicken purchased at a grocery store

Tennessee Food Freedom Act - 2025

- **The TFFA shall not impede the department of health in an investigation of a reported foodborne illness**
 - The Tennessee Department of Health may require to access homemade food processing areas, if necessary, when investigating a foodborne illness

- *Health claims are not allowed on labels for homemade food items produced under the TFFA*

- **Homemade food items are not allowed to be served or used as ingredients in a restaurant, food truck, or catering service**
 - Since these food service establishments must follow the Food Code, sourcing ingredients from uninspected producers is not allowed.



Labeling Requirements for foods made under the Tennessee Food Freedom Act

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Labeling Requirements for TFFA

- A key requirement in TFFA is labeling guidelines
- Required information
 - 1) Producer information:
 - producer's name
 - home address
 - telephone number
 - 2) Common/usual name of product
 - 3) Ingredients of the food in descending order based on weight
 - 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.”**
- *Suggested information – for TCS foods – include “Keep Refrigerated” on the label.*



Labeling Example (with sub-ingredients)



**Kyla's Homemade Cookies
K. Adkins, 2510 River Dr. Knoxville,
TN 37796. 865-974-7331**

Chocolate Chip Cookies

**Ingredients: Enriched Wheat Flour,
Semi-sweet Chocolate Chips (Sugar,
Chocolate Liquor, Cocoa Butter, Corn
Sugar, Milk Fat, Soy Lecithin, Natural
Flavor, Vanillin), Butter (Milk), Sugar,
Brown Sugar, Eggs, Vanilla Extract,
Salt, Baking Soda**

**This product was produced at a
Private Residence that is exempt
from state licensing and inspection.
This product may contain allergens.**

TCS Food Examples



TFFA – Labeling Options

- **There are no alternatives for any of the information required on the label.**
- **If you do not want to have identifying personal information on the label, you need to become a licensed food manufacturer. Then, the manufacturing location is included on the label.**

Labeling - allergens

- People with food allergens need to make an educated decision about the foods they buy.
- Many times sub-ingredients contain allergens, e.g. “chocolate chips (sugar, chocolate liquor, cocoa butter, **milk** fat, **soy** lecithin, and vanilla)”.
- Nine major allergens recognized in the US (must be identified): milk, soy, peanuts, tree nuts, fish, shellfish, eggs, wheat, sesame

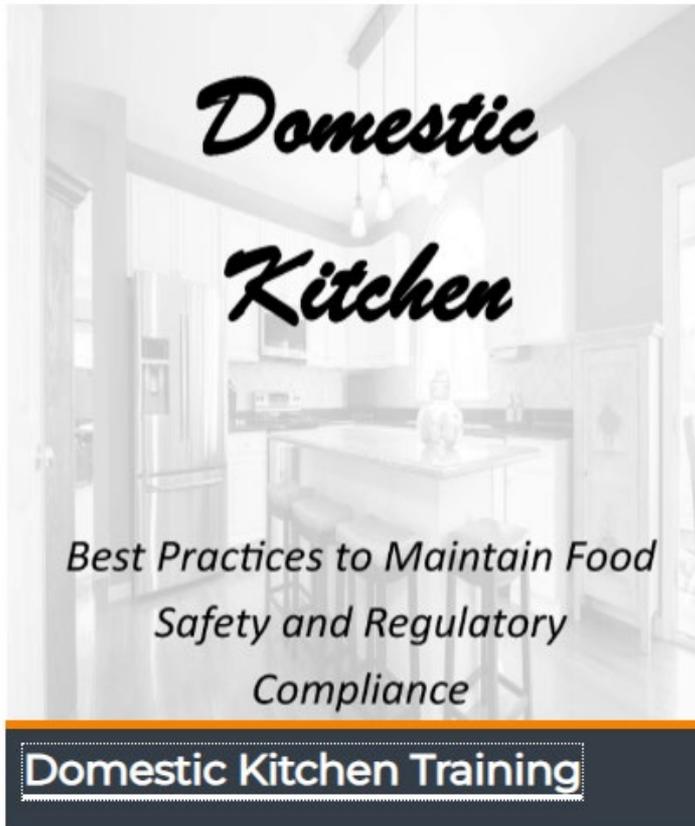
Where does the labeling information go?

- **Must be on a label (if packaged or sold in bulk)**
 - attached to the product
 - attached to the bulk container
- **On a placard - displayed at the point of sale if product is not packaged or sold from a bulk container**
- **On the website - where the product is sold (only non-TCS products sold online)**
- **If product is sold by telephone or custom order, the seller must inform the consumer that the product is produced at a private residence that is exempt from state licensing and inspection**

Recommended Good Manufacturing Practices for homemade food producers

- Use food grade utensils, equipment, cleaners, sanitizers, packaging materials, and ingredients.
- Make sure the workspace and equipment is clean and sanitized.
- Exclude pets from the workspace.
- Close bathroom, outer doors, and (if possible) kitchen doors.
- No evidence of pests (use commercial pest controllers if needed).

A statewide collaborative education program to assist home-based food processors under the Tennessee Food Freedom Act (USDA grant)



The image shows the cover of an educational course titled "Tennessee's Food Freedom Act - 2025 Non-TCS vs TCS Homemade Food Items". The title is written in white text on a dark blue background. Below the title, the authors' names and titles are listed in small white text: "Damla Dag Ertop, Extension Assistant Professor, Department of Food Science", "Mark Morgan, Professor and Extension Specialist, Department of Food Science", and "Megan Leflew, Extension Specialist III, Center for Profitable Agriculture". The course title "EDUCATIONAL COURSE" is written in large, bold, black letters. Below it, the three parts of the course are listed: "Part I – Food Regulations and Safety", "Part II – Canning", and "Part III – Starting a Home-based Business". The background of the cover is a photograph of several glass jars filled with red jam, with a spoon pouring more jam into one of them. At the bottom of the cover, the text "Real. Life. Solutions.™" is written in small black letters, and the "UT EXTENSION INSTITUTE OF AGRICULTURE THE UNIVERSITY OF TENNESSEE" logo is displayed in green and black.

TFFA 2025 - Summary

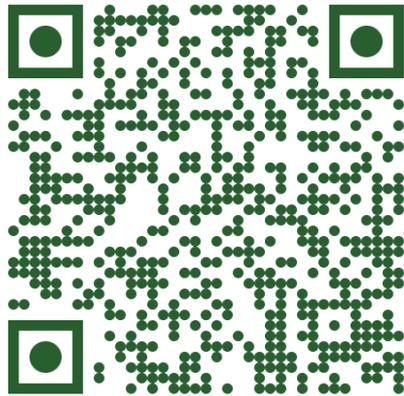
- TFFA requires products to be made at your private residence.
- TFFA allows both TCS and non-TCS homemade food items.
- Foods cannot include red meats, fish, shellfish, raw milk, or alcohol as ingredients or final products.
- TCS food items must be sold only in person to consumers.
- Specific labeling requirements still in effect.
- No TFFA homemade food items used by restaurants, food trucks, or caterers.

Contact info

■ Food Science Department

- 2510 River Drive Knoxville, TN 37996
- Phone: 865-974-7331
- Email: foodsci_ext@utk.edu
- Website: <https://foodscience.tennessee.edu/food-science-extension/>

Website



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Thank you!

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