

Fact Sheet

What is a farmers' market?

A farmers' market is a location where producers congregate to offer fresh fruits and vegetables and other food items for sale.

Are all participants at a farmers' market exempt from a Retail Food Establishment (RFE) license?

No, the exemption to a RFE license is based upon the *types* of foods being offered for sale by the participant at the farmers' market and whether the operator (organizer) of the farmers' market has registered with the ODA Division of Food Safety.

What types of foods may the farmers' market participant offer for sale and still be exempt from the RFE license?

A person at a farmers' market that **only** offers for sale the following types of food items is exempt from the RFE license:

- fresh unprocessed fruits or vegetables;
- maple syrup, sorghum, or honey [properly labeled];
- properly labeled products of a cottage food production operation; and
- Commercially prepackaged food that is not potentially hazardous, on the condition that the food is contained in displays, the total space of which equals less than one hundred cubic feet on the premises where the person conducts business at the farmers' market.

Is a participant at a farmers' market prohibited from offering other foods for sale such as poultry or eggs?

No. However, the farmers' market participant selling **any** food items not listed above, including poultry from their 1,000 or fewer flock of chickens or eggs from their 500 or fewer flock of hens will lose exemption status and will need to become licensed as an RFE by the local health department having jurisdiction.

Is a participant at a farmers' market that is listed in the *Ohio Farmers' Market Directory* exempt from the RFE license?

Not necessarily. The exemption from the RFE license is based upon the *types* of foods being offered for sale by the participants at the farmers' market. The *Ohio Farmers' Market Directory* is a state directory of farmers' markets. Some of the participants at the farmers' market may be exempt based upon the foods being offered for sale, while other participants may not be exempt.

If a participant at a farmers' market is NOT exempt, how are they regulated?

A participant at a farmers' market that is not exempt because of the types of food they are selling is licensed and regulated by the local health department that has jurisdiction. They will be regulated under Chapter 3717 of the Revised Code as an RFE. The local health department will apply the *Ohio Uniform Food Safety Code* rules.

Who regulates the exempt participants at farmers' markets?

The Ohio Department of Agriculture's Division of Food Safety inspects participants at farmers' markets that are exempt from the RFE license.

How does a farmers' market register with the Ohio Department of Agriculture's Division of Food Safety?

A farmers' market operator (organizer) may contact the Division of Food Safety at 1-800-282-1955 to obtain registration information, or e-mail: foodsafety@odant.agri.state.oh.us The individual participant at a

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What is a farm market?

A farm market is a producer operated facility where fresh fruits and vegetables and other food items are offered for sale.

Are all farm markets exempt from a Retail Food Establishment (RFE) license?

No, the exemption to an RFE license is based upon the *types* of foods being offered for sale at the farm market and registration with the Ohio Department of Agriculture's Division of Food Safety.

What types of foods may the farm market offer for sale and still be exempt from the RFE license?

A farm market that **only** offers for sale the following types of food items is exempt from the RFE license:

- fresh unprocessed fruits or vegetables;
- maple syrup, sorghum, or honey [properly labeled];
- properly labeled products of a cottage food production operation;
- cider and other juices *manufactured on site* at the farm market [properly labeled];
- eggs on the condition that the farm market operator is selling *eggs from his own flock* of five hundred or fewer birds;
- poultry on the condition that the farm market operator offering to sell the poultry annually slaughters one thousand or fewer chickens *of his own raising*;
- non-amenable meats (rabbit, bison, etc.) on the condition that the non-amenable meats that farm market operator is offering to sell are *raised by him*; and
- Commercially prepackaged food that is not potentially hazardous, on the condition that the food is contained in displays, the total space of which equals less than one hundred cubic feet on the premises where the person conducts business at the farm market;

Is a farm market prohibited from offering other foods for sale such as milk and cheese?

No. The farm market operator, however, will lose exemption status and will need to become licensed by their local health department as an RFE.

Is a farm market that is listed in the *Ohio Farmers' Market Directory* exempt from the RFE license?

Not necessarily. The exemption from the RFE license is based upon the *types* of foods being offered for sale at the farm market. The *Ohio Farmers' Market Directory* is a state directory of farm markets that sell a variety of foods. Some of those listed in the directory may be exempt based upon the foods being offered for sale, while others may not be exempt.

If a farm market is NOT exempt, how is it regulated?

A farm market that is not exempt because of the types of food it is selling is licensed and regulated by the local health department that has jurisdiction. It will be regulated under Chapter 3717 of the Revised Code as an RFE. The local health department will apply the *Ohio Uniform Food Safety Code* rules.

Who regulates exempt farm markets?

The Ohio Department of Agriculture's Division of Food Safety inspects farm markets that are exempt from the RFE license and that are registered with that division.

How does a farm market register with the Ohio Department of Agriculture's Division of Food Safety?

A farm market operator may contact the Division of Food Safety at 1-800-282-1955 to obtain registration information, or e-mail: foodsafety@odant.agri.state.oh.us