

Farm Markets

[Chapter 901:3-6 Farm Markets and Auctions](#)

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@agri.ohio.gov

Ohio Department of Agriculture, Food Safety Division
<http://www.agri.ohio.gov/foodsafety/#tog> – click on Fact Sheets, then Farm Market
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Farmers' Markets

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1. **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.

2. **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.
3. **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.

4. **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.

5. **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.

6. **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.

7. **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@agri.ohio.gov The individual participant at a farmers' market does not need to register.

Ohio Department of Agriculture, Food Safety Division

<http://www.agri.ohio.gov/foodsafety/#tog> – click on Fact Sheets, then Farmers Market

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Mobile Retail Food Establishment

1. What is a Mobile Retail Food Establishment?

A Mobile Retail Food Establishment is defined in Chapter 3717 of the Ohio Revised Code as a retail food establishment that is operated from a movable vehicle or other portable structure, and that routinely changes location.

2. Is there a Limit to How Long a Mobile Retail Food Establishment May Operate from the Same Location?

Yes. If the establishment operates at any one location for more than forty consecutive days it is no longer considered a mobile retail food establishment.

3. How do you Determine if a Mobile Unit is a Mobile Retail Food Establishment or a Mobile Food Service Operation?

As with permanent retail food establishments and food service operations the determination is based upon the primary business of the facility, the type of foods being offered and the method of sale.

A mobile food service operation is a unit where food is prepared and/or served in individual portions. Served means a response made to an order for one or more individual portions of ready-to-eat food.

A mobile retail food establishment is a unit where food is processed, prepared, manufactured or otherwise held or handled for retail sale in bulk quantities.

4. What are Examples of Typical Mobile Retail Food Establishments?

- A mobile unit selling fresh or frozen meat, poultry or fish.
- A mobile unit selling fresh eggs.
- A mobile unit making and / or selling fudge by the pound.

5. Where Does the Operator of a Mobile Retail Food Establishment Get Licensed?

The operator of a Mobile Retail Food Establishment is licensed by the local health department where their business headquarters is located. The business headquarters is the business mailing address. The operator of a Mobile Retail Food Establishment that comes to Ohio from another state must obtain their license from the local health department where they first sell food from their unit.

6. How do I get a license?

You will need to contact the local health department. They will help guide you through the licensing process. They will identify the type of information that they require to determine if

your unit meets the necessary criteria to become licensed. A few of the basic items that they will need include: a drawing or sketch of the layout of your mobile unit, an equipment listing, and a listing of the food products you plan to sell.

7. Are there Limitations to What Foods I can Sell from my Mobile Retail Food Establishment?

Yes. The foods that may be offered for sale are limited by the equipment and facilities provided on the mobile unit. The local health department will determine your equipment needs prior to issuing a license. They will sketch a diagram of your unit on the back of the license and identify the types of foods that you are approved to offer for sale.

8. Do I have to Obtain a Mobile Retail Food Establishment License from each Local Health Department that has Jurisdiction Over the Area where I set My Unit Up to Sell Food?

No. The license you obtain from the local health department where your business headquarters is located will be given "full faith and credit" by all local health departments in Ohio.

9. What are Examples of Mobile Units that would be Exempt from a Mobile Retail Food Establishment License?

- A mobile unit selling fresh fruits and fresh vegetables that are unprocessed.
- A mobile unit with alcoholic beverages and/or prepackaged beverages that are not potentially hazardous.
- A mobile unit with commercially pre-packaged non-potentially hazardous foods in displays up to 200 cubic feet.

10. Questions?

Contact ODA Division of Food Safety
1-800-282-1955 (toll-free only within Ohio) or 614-728-6250
E-mail: foodsafety@agri.ohio.gov

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<http://www.agri.ohio.gov/foodsafety/#tog> – click on Fact Sheets, then Mobile Retail Food Establishment

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