



Farmer's Markets

Definition

Farmer's Market means a designated area in which farmers, growers, or producers from a defined region on a regularly scheduled basis meet to sell, at retail, non-potentially hazardous farm food products and whole shell eggs to the public. A portion of the raw food ingredients used by the individual vendor to produce a product must have been grown or raised by the vendor. The individual vendors wishing to process food as defined by Chapter 260 of the regulations must obtain a state food processor's license. A farmer's market must have a written operation guideline and a minimum of six vendors along with a designated market manager or advisory board who will be responsible for distribution of a copy of the guideline to the vendors. The farmer's market must be registered by the Oklahoma Department of Agriculture, Food and Forestry and comply with the Food Service Establishment Regulations, Chapter 256, and/or Good Manufacturing Practice, Chapter 260. This definition does not include individual farmers who grow and sell unprocessed fruit and /or vegetables from the farm, roadside, or truck. Any vendors who prepare or sell any potential hazard foods at the farmer's market must abide by all applicable sections of Chapter 256 of the regulations.

- **Rules** (sometimes called "guidelines" or "regulations") are for the day-to-day operation of the markets. They are often changed each year during the market's meetings. Check with your local market.
- **By-laws** define the structure of the association of farmers which operates the farmer's market, and once in place are rarely amended. By-laws generally include a definition of officers, job descriptions, general purpose of the association, and what to do with assets upon dissolution.

Most markets have both rules and by-laws. Markets must be incorporated always with The Oklahoma State Department of Health and the Oklahoma Department of Agriculture, Food and Forestry.

Licensing

A license from the Oklahoma State Department of Health will be required in the following instances:

- 1) The grower or farmer sells fruits and vegetables which he/she has purchased or consigned from another grower or other source (public market, etc.) or any other products that have not been grown by him/her.
- 2) The grower or farmer sells processed products such as cider, jelly, breads or any other manufactured or processed food products outside the licensed farmer's market.
- 3) If the grower or farmer is selling meat, the grower or seller must have a mobile food license, unless certain requirements are met. If meat has been presold from a licensed (inspected) meat source and is being delivered, no mobile license is required. If the meat is going to be sold at the market without being presold a mobile food license is required along with a kiosk license from the City of Oklahoma City. This license requires zoning and planning.

Farmers' market exemption rules

A license from the Oklahoma State Department of Health will **NOT** be required in the following instances:

- 1) The fruits and vegetables must have been grown by the seller. The grower can **ONLY** sell his/her own products.
- 2) Products sold are certified by the Department of Agriculture and/or the USDA as organic.
- 3) Eggs, rabbits and poultry that are licensed under the Department of Agriculture (eggs/rabbits/poultry must be pre-sold, **NO** sale retail, must meet the Department of Agriculture's requirement of exemption).
- 4) "Made in Oklahoma" products
 - Manufactured food establishments located in Oklahoma (NOTE: Manufacturers can only sell their own products)
 - Processed food that has partially Oklahoma-grown ingredients, such as mint jelly (he/she grows mint on his/her land) or pepper breads (he/she grows the peppers on his/her land). However, the mint jelly and pepper breads must meet the requirement listed below.
 - Processed food must be prepared from a certified kitchen or licensed facility.

These rules are valid at only licensed farmer's markets that are licensed by the Department of Agriculture. All products which meet the exemption rules can only be sold at the licensed Farmers' Market.

Sanitations requirements

- 1) The products can be sold from a roadside stand, truck, farmer's market, or other location that would meet minimum standards for the sale of food products.
- 2) Products must be sold in whole and displayed off the ground.
- 3) Products must be from approved source.
- 4) Products must be protected from contamination by outside sources such as stagnant water, mishandling, etc. Products should not be stored in contact with the ground or floor, or in dirty or contaminated containers.
- 5) Spoiled or decomposing fruits and vegetables are not allowed.
- 6) Washing or cleaning of fruits and vegetables must be done in a manner consistent with Good Manufacturing Practices and with a portable water supply meeting the requirements of the Oklahoma State Department of Health. Waste water from the cleaning of fruits and vegetables must be disposed of in a manner that will not create a nuisance or public health hazard.
- 7) Fruit that has been cut can be used for display only. Sampling is not allowed without the Oklahoma State Department of Health approval.
- 8) All sampling must meet the sampling requirements (see below).

Food Sampling Requirements

- 1) Food must be prepared from a licensed facility by the Oklahoma State Department of Health. **NO EXCEPTIONS.**
- 2) No food preparation (cut fruit, sliced fruit) at the farmer's market.
- 3) Food handlers must have access to hand washing station.
- 4) Dispensing of food product must be through the use of clean, sanitized utensils or through the use of single-use gloves covering clean hands.
- 5) Individual single-use portion containers must be used. Community-use containers are not acceptable.
- 6) Sneeze guards and/or plastic coverings are required to protect open food products from contamination, such as insects or dirt.
- 7) Food products prepared in one location and transported elsewhere must be covered in clean, sanitized containers and protected from the elements and from temperature changes from the food preparation location to the display and sampling area.
- 8) Food must be in good, sound condition, free from spoilage, filth, or other contamination. Food must be honestly presented and safe for human consumption.
- 9) Food must be purchased from an approved source or a licensed establishment by the Oklahoma State Department of Health and/or the Department of Agriculture.