

Maryland State Health Regulations

Related to Farm Products Sales at Farmers' Markets and Farm Stands and On-Farm Processing

The Maryland Department of Health and Mental Hygiene (DHMH), Division of Food Control is responsible for assuring that all foods processed, prepared, stored, distributed, and served at both the retail and wholesale levels throughout the State are safe, wholesome, free of adulterants, and properly packaged and labeled. For more about Farmers' Markets and On-Farm Processing, see "Information for Farmers and the Farming Community" at <http://www.cha.state.md.us/ofpchs/html/onfarm.html>. Additional topics can also be found at <http://www.cha.state.md.us/ofpchs/fc/index.html>.

The Code of Maryland Regulations (COMAR) includes DHMH regulations relating to food. See www.dsd.state.md.us/comar/subtitle_chapters/10_chapters.htm. Select the appropriate chapter under Subtitle 15, Food. Any questions about these regulations should be directed to the Maryland Department of Health and Mental Hygiene (DHMH) Division of Food Control at 410-767-8400.

Any particular provision must be read as part of the larger section of food regulations. For example, COMAR 10.15.04.08.A.10 specifies that "[a] commercial meat processing plant that is exempt from regulation by the United States Department of Agriculture processes meat in accordance with federal requirements for meat processing. All operations must comply with all federal regulations." Section 08.A-3-b also specifies that all processing operations must have in place a plan which has been "[approved by DHMH] based on a review that shows compliance with 21 CFR Part 110 and this chapter."

COMAR 10.15.03 Food Service Facilities and 10.15.04 Food and Drink Processing and Transportation : In general, DHMH sets standards; in some situations (such as food sales), individual counties may set more stringent standards.

COMAR 10.15.04.19 On-Farm Home Processing : DHMH may issue a food processing plant license to an individual who owns a farm to process food in a home or domestic kitchen located on the individual's farm as set forth in this regulation. The regulation specifies what products can be made, and limits the amount of food to that which can safely be produced in the domestic kitchen as evidenced by sanitation and process and cross-contamination control. Licensing under this regulation requires certain training, approval of a plan for processing, and inspection of the facility by DHMH. In some cases, this regulation may also permit the sale on the farm of food processed on the farm by the licensee.

County health departments are responsible for certain aspects of food sales. Information on the following pages outlines key county data related to sales on farms and at farmers' markets. The information was provided primarily by county health departments in response to a survey compiled by the Maryland Department of Agriculture (MDA) in 2005. Data is still pending from some counties, and will be added when available. For additional information, contact your county health department. A list of these departments can be found at <http://www.cha.state.md.us/html/local2.html#aa>.