Farmer’s Market Legislation & Food Safety Regulations

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Health Agencies’ Roles and Responsibilities

- Ensure public health by protecting food through
  - Inspections
  - Education
  - Licensing
  - Surveys
  - Investigations
  - Development of Regulations
Overview of Regulation of Food

- Local health departments – retail food preparation and sales
- State health department – processing, storage, and commercial distribution
- FDA and USDA – interstate commerce
How Health Department Handles Food at Farmer’s Markets

"Farmer's market" means a place where a person offers or sells one or more of the following food products to the public:

– Raw agricultural products such as fruits, vegetables, and grains supplied directly from a farm
Farmer’s Market Defined

"Farmer's market" means a place where a person offers or sells one or more of the following food products to the public:

- Products processed in a private home kitchen according to COMAR 10.15.03.27
Farmer’s Market Defined

"Farmer's market" means a place where a person offers or sells one or more of the following food products to the public:

- Products that are not potentially hazardous and do not require refrigeration that are processed in a food processing plant licensed and operated according to COMAR 10.15.04.19
"Farmer's market" means a place where a person offers or sells one or more of the following food products to the public:

- Eggs sold in compliance with COMAR 10.15.03.05A(8)
Selling Food at a Farmer’s Market

- If you fit the definition of “Farmer’s Market”, then **NO FOOD LICENSE REQUIRED**

- Selling foods other than specified in the definition, then must obtain a license
Update: 2010 Legislative Session

- Chapter 246 (Senate Bill 198) - Farmer’s Markets-Agricultural Product Sales-Producer Mobile Farmer’s Market License
  - http://mlis.state.md.us/2010rs/chapters_noln/Ch_246_sb0198T.pdf

- Chapter 247(Senate Bill 199) - Seasonal Farmer’s Market Producer Sampling License
  - http://mlis.state.md.us/2010rs/chapters_noln/Ch_247_sb0199T.pdf
Local health department may not require a license for the sale of raw agricultural products at a farmers market

License or permit is not required to deliver prepackaged foods to fill a customer order
SB 198-Farmer’s Markets-Agricultural Product Sales-Producer Mobile Farmer’s Market License

- Creation of Producer Mobile Farmer’s Market license to transport to and sell at farmer’s market:
  - On-farm home processing plant products
  - Farm products inspected, licensed, or certified by MDA
SB 198-Farmer’s Markets-Agricultural Product Sales-Producer Mobile Farmer’s Market License

- License fee may not exceed $100
- License for period of 1 year and valid in all jurisdictions of the State
- Law effective October 1, 2010
- Regulations must be amended
- Counties enforce and levy fines
SB 199-Seasonal Farmer’s Market Producer Sampling License

- Creation of a seasonal farmer’s market producer sampling license
  - Producer of farm product can prepare and offer samples at farmer’s market
  - Valid at all farmer’s markets in County for a certain time period for a single fee
SB 199-Seasonal Farmer’s Market Producer Sampling License

- Law effective October 1, 2010
- Regulations must be amended
- County sets the license fee and enforces regulation
Meat and Poultry Products – Federal Law

  - Prohibits the sale of regulated species (CATTLE, SWINE, EQUINE, GOAT AND SHEEP) without continuous federal inspection during slaughter
  - RABBITS and BISON are exempt from continuous federal inspection

  - Exemptions for producers slaughtering less than 20,000 per year for INTRASTATE SALES ONLY
Exempted, yes…

- But Poultry and Rabbit exempted from continuous federal inspection **still must be from an approved source** to be sold in Maryland
What does this mean for me?
Poultry & Rabbit Under MDA Certification

MDA Certified Processor

= Approved source

Can sell from farm to licensed food service facility

- Only intrastate sales
  - e.g. grocery store, restaurant
  - No health license for wholesaling

Can sell directly to consumer

- e.g. delivery to consumer, no health license required
  - e.g. farmer's market

With new legislation, need Producer Mobile Farmer's Market license from DHMH

Presently, Food Service Facility license required from local health department
Stumbling Blocks

- Lack of economically viable option for process authority for scheduled process
- Zoning issues
- Water and sewer issues
Progress

- Numerous on-going farm consultations to facilitate on-farm processing
- 49 Licensed on-farm home processors to date
  - Meat & Poultry
  - Non-PH Baked Goods, canned acid fruit, jams and jellies
  - Acidified Foods (beets)
Progress

- Retail Rating Officer standardization of LHDs
- 8 on-farm dairy processors - dairy products being produced: bottled milk, cream, yogurt, drinkable yogurt, ice cream, ice cream mix, pasteurized hard and soft cheeses, half & half, eggnog, buttermilk, whipping cream, quark
- 11 pending on-farm dairy processors
Questions?

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