



# Farmer's Market Legislation & Food Safety Regulations

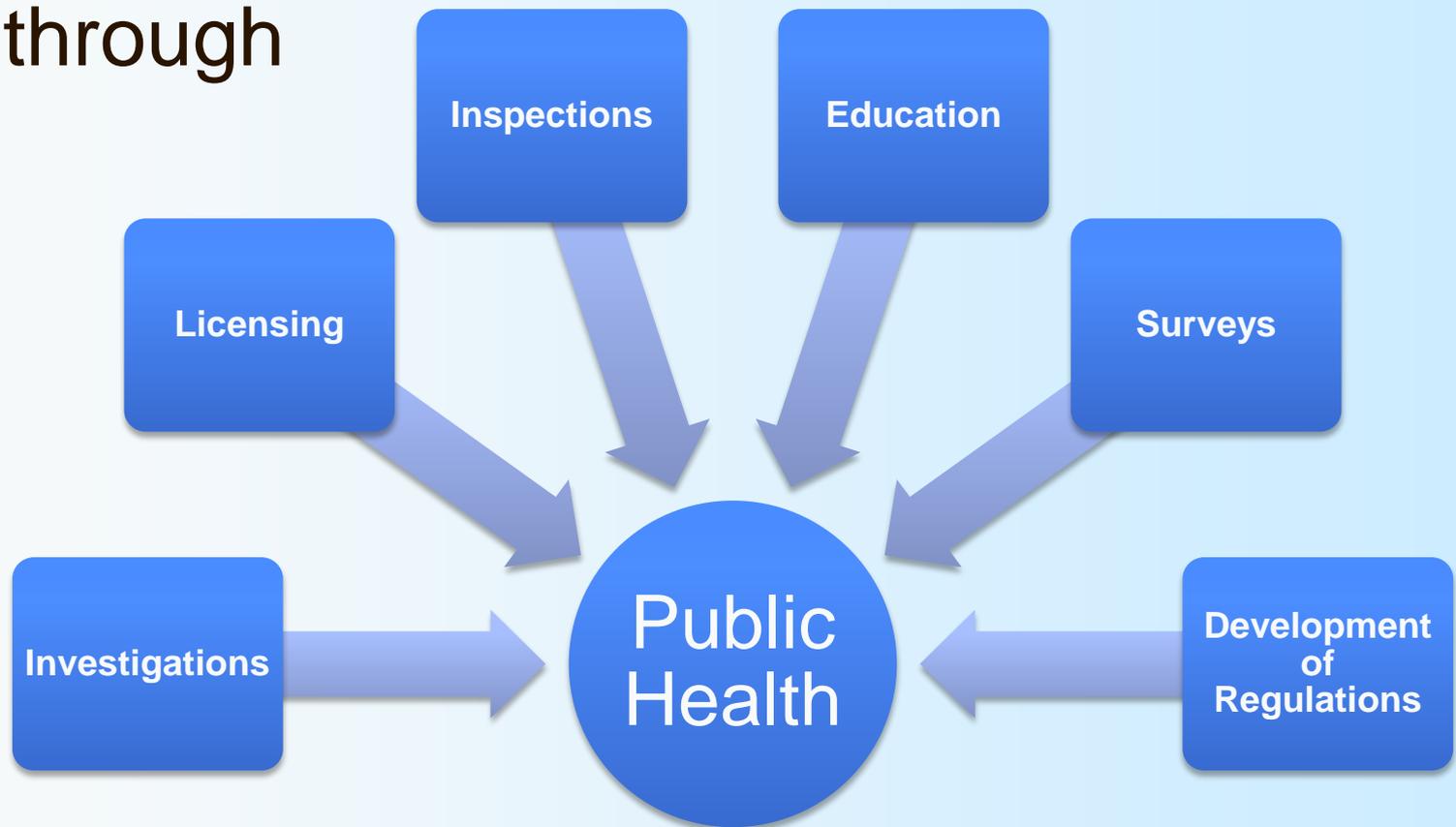
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Infectious Disease and Environmental Health Administration  
Maryland Department of Health & Mental Hygiene



# Health Agencies' Roles and Responsibilities

- Ensure public health by protecting food through





# 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

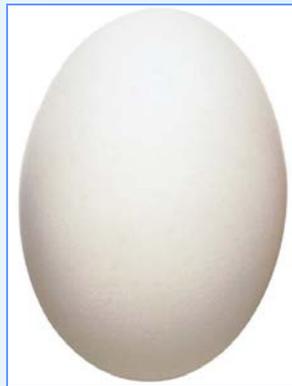
- "Farmer's market" means a place where a person offers or sells one or more of the following food products to the public:
  - Products that are not potentially hazardous and do not require refrigeration that are processed in a food processing plant licensed and operated according to COMAR 10.15.04.19





# Farmer's Market Defined

- "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](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](http://mlis.state.md.us/2010rs/chapters_noln/Ch_247_sb0199T.pdf)



# SB 198-Farmer's Markets-Agricultural Product Sales-Producer Mobile Farmer's Market License

- 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

- Federal Meat Inspection Act, 21 U.S.C. §§601-695
  - 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
- Poultry Products Inspection Act, 21 U.S.C. §§451-471
  - Exemptions for producers slaughtering less than 20,000 per year for INTRASTATE SALES ONLY

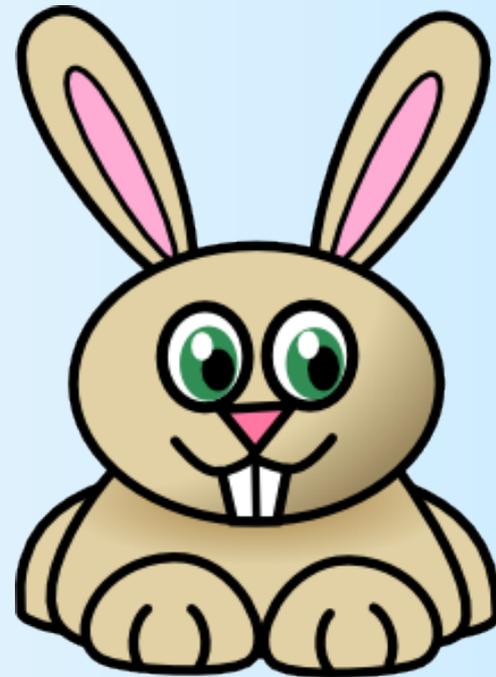


# Exempted, yes...

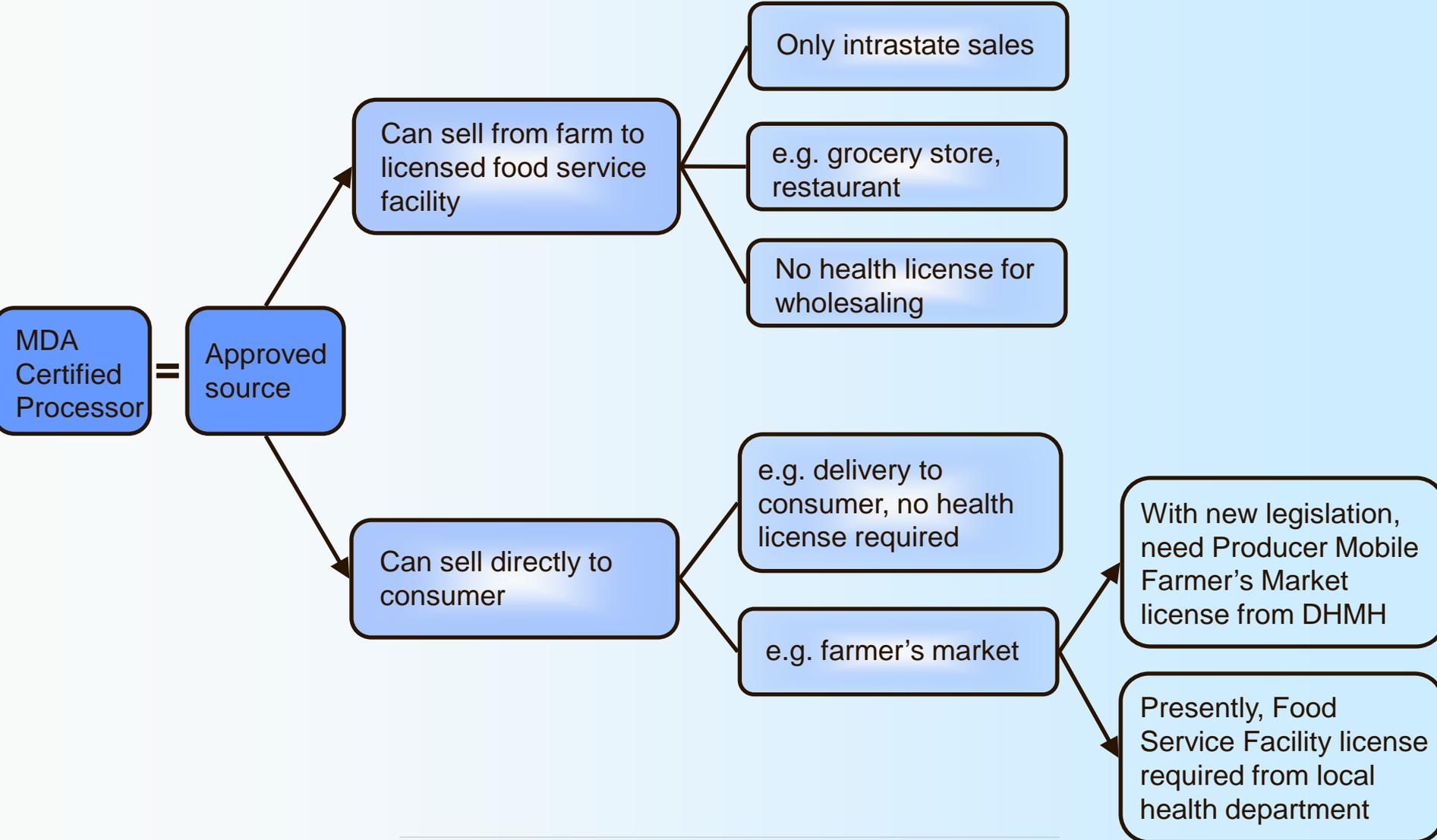
- But Poultry and Rabbit exempted from continuous federal inspection still must be from an approved source to be sold in Maryland



# What does this mean for me?



# Poultry & Rabbit Under MDA Certification





# 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?

Infectious Disease and Environmental Health Administration  
Office of Food Protection and Consumer Health Services  
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