



# LETTER SHEET • Ohio Department of Agriculture



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## Farm Markets/Farmer's Markets/Farm Product Auctions

With the recent passage of Amended Substitute Senate Bill 136 additional exemptions to the Retail Food Establishment licensing have been created. Among the exemptions are those for Farm Markets, Farmer's Markets, and Farm Product Auctions. These exemptions are based upon the foods being offered for sale. A synopsis of these specific exemptions are detailed below:

- A person at a farmers market that offers for sale only one or more of the following:

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; fresh unprocessed fruits or vegetables; maple syrup, sorghum, or honey; products of a cottage food production operation.

- A farm product auction, on the condition that only one or more of the following are offered for sale:

Eggs from an exempt farm (500 or less hens); poultry from an exempt farm (1,000 or less chickens/year); non-amenable meats (rabbit, bison, etc.); fresh unprocessed fruits or vegetables; maple syrup, sorghum, or honey; products of a cottage food production operation.

- A farm market that offers for sale only one or more of the following:

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; fresh unprocessed fruits or vegetables; maple syrup, sorghum, or honey; products of a cottage food production operation; cider and other juices manufactured on site at the farm market; eggs on the condition that the person offering to sell them annually maintains five hundred or fewer birds; poultry on the condition that the person offering to sell them annually raises and slaughters one thousand or fewer chickens; non-amenable meats (rabbit, bison, etc.) on the condition that the person offering to sell the meat raises and slaughters the animals.

Please note that Farm Markets, Farmer's Markets and Farm Product Auctions are exempt only if registered with the Ohio Department of Agriculture. The registered exempt facilities will be inspected by ODA. **Therefore, as you identify firms of this type that are exempt from the retail license we would appreciate it if you would forward us information as to their location so we may begin the registration process.** Farm Markets, Farmer's Markets and Farm Product Auctions that do not meet the requirements for exemption are to be licensed as Retail Food Establishments.

Please contact Ohio Department of Agriculture, Division of Food Safety, (614) 728-6250 if you have additional questions about these firms. Thank you.