

Exempt Farmers Market and Excluded Operations

Registered Farmers Market: a location where producers congregate to offer one or more of the following food items for sale:

Fresh unprocessed fruits or vegetables, Cottage foods, Tree syrup, sorghum, honey, apple syrup or apple butter that is produced according to 3715.021 ORC, Wine as authorized under section 4303.2010 ORC, 100 ft³ display commercially pre-packaged food that is not potentially hazardous; and an establishment meeting all the conditions of 3717.22(B)(17) ORC.

Registration: Registration of Farm and Farmers Markets is FREE.

Register on-line with the ODA Division of Food Safety. A list of registered markets is maintained by the ODA Division of Food Safety. Registering allows some participants to be exempt from a local health license.

Cider: Cider must undergo a 5-log reduction in pathogens to be sold at the farmers market OR be produced by the stand operator at an ODA inspected location and include a properly worded warning statement.

Cottage Foods: See *Fact Sheet*. OAC 901:3-20 <http://codes.ohio.gov/oac/901%3A3-20>

Cottage Food Products that are properly packaged and labeled may be sold: Directly to the consumer from the site where the products are produced; sold through licensed RFE's and FSO's and can be used in preparing food in licensed facilities; sold at registered farm markets, farmers markets, farm product auctions; and at festivals or celebrations organized by a political subdivision of the state that lasts no longer than seven consecutive days.

Home Bakery: See *Fact Sheet*. ORC 911 <http://codes.ohio.gov/orc/911>

Home bakery items may be sold as part of the 100ft³ of display of commercially prepackaged non-potentially hazardous food. Time/temperature controlled for safety (TCS) home bakery items will need a temporary or mobile license from the local health district.

A License from the Local Health District (LHD) is needed: If a participant is selling a food product that is not stated in the exempt farmers market definition, the participant will need to be licensed and inspected by the local health department. Including: meat, cheese, and eggs that are properly labeled and from an approved source, and TCS foods.

Eggs: See *Fact Sheet*. ORC 925 <http://codes.ohio.gov/orc/925>

An operator at the farmers market must be registered with ODA Food Safety and have a mobile or temporary license from the LHD to sell away from the location where the eggs are produced.

Inspection: ODA Food Safety will inspect all exempt participants at the registered farmers market.

The LHD will license and inspect the other participants offering food at the registered farmers market. If the market is not registered with the ODA Food Safety Division, the LHD may need to license cottage food operators.

Ohio Revised Code 3717.22 Excluded Operations and Entities: <http://codes.ohio.gov/orc/3717>

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