

Stillwater County Environmental Health Department

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Farmers Market Guideline 2015

MCA 50-50-202 Establishment exempt from license requirement – farmer’s market records

“**Farmer’s market**” a farm premises, a roadside stand owned and operated by a farmer, or an organized market authorized by the appropriate municipal or county authority. Montana Code Annotation 50-50-102(5) (MCA)

- Gardeners and Farmers - A Gardener, farm owner, or farm operator who sells raw and unprocessed farm products at Farmer’s Market is exempt from obtaining a License. MCA 50-50-202(3)(a)
- Person selling Baked Goods or Preserves at a Farmer’s Market is exempt from obtaining a License. MCA 50-50-202(3)(b)
- A license is not required of a gardener, farm owner, or farm operator who sells raw and unprocessed farm products or whole shell eggs at a farmer’s market. MCA 50-50-202 (3)(a)
 - (ii) Whole shell eggs sold at a farmers market by a farm owner or operator must:
 - A. be clean, free of cracks and stored in clean cartons;
 - B. be kept at a temperature established by the department; and
 - C. Carry a label indicating the name and address of the farm owner or operator selling the eggs.
- A license is not required of a person selling or offering hot coffee or hot tea at a farmer's market. Coffee or tea exempted under this subsection may not be prepared or served with fresh milk or cream. MCA 50-50-202 (3)(b)(c)

Items Not Requiring a State Food License

Note: Prepared foods, such as bread and preserves, must be sold by a person(s) who made the items.

- **Raw and unprocessed fruits and vegetables.** Please see defined term below for more details

“**Raw and unprocessed farm products**” fruits, vegetables, and grains sold at a farmer’s market in their natural state that are **not packaged** and labeled and are not: cooked; canned; preserved, except for drying; combined with other food products; or peeled, diced, cut, blanched, or otherwise subjected to value-adding procedures. Raw honey that is not combined with other food products and if packed is packaged in a clean container with a label. MCA 50-50-102(16)

“**Food processing**” cooking, baking, heating, drying*, mixing, grinding, churning, separating, extracting, cutting*, freezing or otherwise manufacturing a food or changing the physical characteristics of a food; and the packaging, canning, or otherwise enclosing of such food in a container; but does not mean the sorting, cleaning, or water rinsing of vegetables.



- *Drying includes the drying of herbs.
- * Cutting does not include the harvesting of leaf greens for sale as produce.

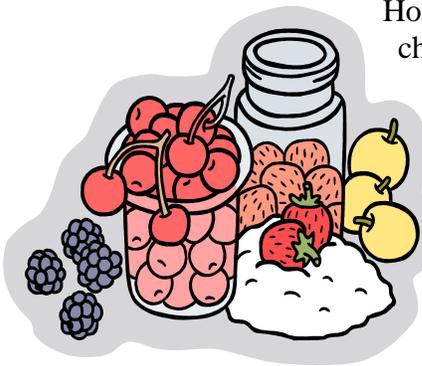
➤ ***Non-potentially hazardous bakery items***

All bakery items must have a baking step, i.e. baked in an oven. Items such as rice crispy bars, chewy granola, no-bake cheesecakes, cheesecakes, pumpkin pie, cream puffs or cream pies will not be allowed. Bakery items must not contain cream, cream cheese, or egg based fillings. Custard and meringue type pies will not be allowed. Non-cooked frostings on bakery items are not allowed. Frostings must have a cook step to be considered safe. In general, no bakery item may be sold that is considered to be potentially hazardous. Vendors are required to have an ingredient list for each food item sold. Label all products that are pre-package either individual or by the dozen. If selling non-packaged products a list is required at the time of sale.



“**Baked goods**” breads, cakes, candies, cookies, pastries, and pies that are not potentially hazardous foods. MCA 50-50-102(1)

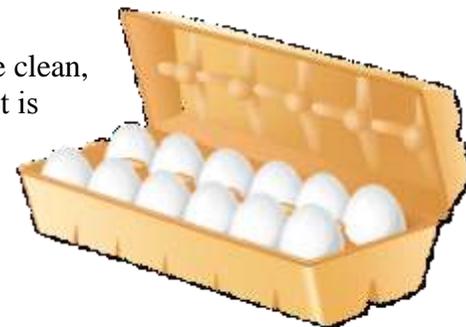
➤ ***Preserves - Jellies and Jams***



Home made preserves, berry jams, jellies, compotes, fruit butters, marmalades, chutneys, fruit syrups, or similar products that have a hydrogen ion concentration (pH) of 4.6 or below when measured at 75°F (24°C) and that are aseptically processed, packaged, and sealed. Must be hot processed, (usually in a hot water bath or steam pressure), hermetically sealed, and shelf stable at room temperature. The term does not include: tomatoes or food products containing tomatoes; or any other food substrate or product preserved by any method other than that described in subsection 50-50-102 (15)(a) MCA. Ingredient labels are required on all products. ***Homemade or canned herbed vinegar, oils, salsas, sauerkraut, pickles, pickled vegetable, pepper jellies, etc. will not be allowed.***

➤ ***Whole Shell Eggs***

Whole shell eggs sold at a farmers market by a farm owner or operator must be clean, free of cracks and stored in clean cartons. The term of “clean” means the object is free of dirt, feces, and other foreign matter. This would apply to the cartons and the eggs. New cartons and recycled cartons must be labeled with the name and mailing and/or physical address of the farm owner or operator. Eggs must be held at or below the “safe temperature” of 41°Fahrenheit for storage and display.



➤ ***Hot Coffee or Hot Tea***

Only commercially packaged single service dehydrated packets of milk and creamer are allowed to be dispensed with hot beverages. “Hot coffee and hot tea” does not include lattes, chai teas, or any beverages that have fluid milk, fluid cream or other potentially hazardous ingredients.

Items Requiring a State Food License

MCA 50-50-201. License required. (1) Except as provided in 50-50-202, a person operating an establishment shall procure an annual license from the department.

MCA 50-50-102 (4) (a) "Establishment" means a retail food manufacturing establishment, meat market, food service establishment, perishable food dealer, or water hauler.

“Food service establishment” an operation defined in 50-50-102(8), MCA, and includes an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption in a mobile, stationary, temporary, semi-permanent or permanent facility or location; where consumption is on or off the premises and regardless of whether there is charge for the food.

- All other processed or potentially hazardous foods not addressed above must be prepared and distributed from a licensed facility for service to the public. Example, in order to sell barbequed hamburgers on site you must have a food service establishment license (please see defined term above). *All rules in MT DPHHS Food Service Establishments Administrative Rules apply.*
- Sliced or processed fruits, vegetables and other foods not specifically allowed above (this includes slicing or processing for samples on site).
- Milk, cheese, and dairy products must come from a licensed facility in order to be sold to the public. If you wish to sell them at farmer’s market you will need to obtain required licensing.
- Poultry, Meat, Seafood, Eggs or other perishable Foods cannot be sold retail at a farmer’s market, except if they have a Meat Market/Retail License with a mobile endorsement and transportation provision in the approved plans, including the facility where the product is processed, packaged, and stored.

The Stillwater County Environmental Health Department will perform inspections for compliance with this guideline. Should you have any questions or concerns please feel free to contact us:

Stephanie Moodry, R.S.

322-8055

Safe Food Handling Requirements

All food and produce vendors may not contact exposed ready-to-eat foods with bare hands and shall use suitable utensils such as deli tissues, spatulas, tongs, single-use gloves, or dispensing equipment. FDA 2013 Food Code 3-301.11

Health Requirement

No person, while infected with a disease in a communicable form that can be transmitted by foods or who is a carrier of organisms that cause such a disease or while afflicted with a boil, an infected wound, diarrheal illness or acute gastrointestinal illness or an acute respiratory infection, shall work in a food service establishment in any capacity in which there is likelihood of such person contaminating food or food contact surfaces with pathogenic organisms or transmitting disease to other persons. Food employees experiencing persistent sneezing, coughing or runny nose that causes discharges from the eyes, nose or mouth may not work with exposed food, clean equipment, utensils, and linens, or unwrapped single-service or single use articles. See 2-201.12 FDA 2013 Food Code for Exclusion and Restriction of Food Employees.

Hand Washing

Hands must be washed in accordance with FDA 2013 Food Code 2-301.11-15.

Thorough and frequent hand washing is the cornerstone for a safe food-handling program. Since “ready to eat foods” are directly consumed by the public, it is imperative that ready to eat food be free from contamination. To achieve this, ready to eat food shall be prepared or assembled with clean washed hands. A properly used barrier between hands and ready to eat food provides an extra level of protection.

Each vendor that prepares samples or provides non-packaged food must have portable hand wash facilities at the booth. Minimum requirements would include a container of water, with an adequate supply of water, which flows freely from a tap or spigot. The spigot must be a type, which will stay in an open position without being held so that both hands can be washed at once. The facilities also must include a catch bucket for the water, soap and single service towels.

