Farmers Markets Guidelines

Definition of a Farmers Market

From OAC title 310, Chapter 257-1-2

Farmers market means a designated area in which farmers, growers or producers from a defined region gather on a regularly scheduled basis to sell at retail non-potentially hazardous farm food products and whole shell eggs to the public. A portion of the raw food ingredients used by the individual vendor to produce a product must have been grown or raised by the vendor. The individual vendors wishing to process food as defined by Chapter 260 Good Manufacturing Practices regulations must obtain a state food processor's license.

A farmers market must have written operation guidelines and a minimum of six vendors, along with a designated market manager or advisory board who will be responsible for distribution of a copy of the guideline to the vendors. Farmers markets must be registered by the Oklahoma Department of Agriculture, Food and Forestry and comply with the Food Service Establishment Regulations, OAC 310:257, and/or Good Manufacturing Practice, OAC 310:260. This definition does not include individual farmers who grow and sell unprocessed fruit and /or vegetables from the farm, roadside or truck. Any vendors who prepare or sell any potential hazardous foods at the farmers market must abide by all applicable sections of Food Service Establishments, OAC 310:257 of the regulations including acquiring a license from the department.

General Regulations

- All meat at a farmers market must be sold from a licensed mobile.
- Eggs must be properly graded and labeled as per Oklahoma Department of Agriculture, Food, and Forestry (ODAFF) regulations, held at 45º F and cannot be sold if older than 45 days.
- All dairy products must be produced in an Oklahoma Department of Agriculture licensed facility.
- All Time/Temperature Control for Safety foods must be maintained at proper temperature, even if pre-sold.
- No temporary licenses will be issued at farmers markets.

A license from the Oklahoma State Department of Health and/or the local municipality will be required in the following cases:

1. The grower or farmer sells fruits and vegetables which he/she has purchased or consigned from another grower or other source (public market, etc) or any other products that have not been grown by him/her. Any third party sales. All products being re-sold require a license from the Oklahoma State Department of Health.
2. Mobile Food Service units must be licensed and regularly inspected. Mobile units must have name and license # posted on unit.
3. Vendors selling prepackaged pasteurized milk produced from their own ODAFF-certified dairy.
4. Selling of packaged or processed foods.

A license will NOT be required in the following instances. These rules are valid only at farmers markets registered with ODAFF:

1. A vendor selling only whole produce he/she has grown.
2. A vendor selling properly-graded eggs produced on their own farm, with a certificate from ODAFF.
3. Made in Oklahoma processed/manufactured food products, provided they meet the following conditions:
   - Prepared in an OSDH licensed facility under their individual processor/manufacturer license.
   - Vendor is selling only their own products (with a portion of the raw food ingredients used by the individual vendor to produce a product must have been grown or raised by the vendor).

Sanitation Requirements

1. Products must be sold whole, and stored/displayed off the ground.
2. Products must be from a source approved by the Oklahoma State Department of Health.
3. Products must be protected from contamination from outside sources such as pests, stagnant water, mishandling, etc. Products shall not be stored in contact with the ground, floor, or in dirty/contaminated container.
4. Spoiled or decomposing produce is not permitted at the market.
5. Washing/cleaning of produce must be in a manner consistent with the Good Manufacturing Practices (OAC 310:260). Potable water supplies must meet ODEQ and OSDH requirements. Waste water from such washing/cleaning must be disposed of in a manner not to create a nuisance or public health hazard.
6. Cut fruits and vegetables for display must be kept in a manner that does not create a nuisance or public health hazard (i.e., attracting pests).
7. No sampling of any kind is allowed without approval from OSDH, and must meet the following sampling requirements:
   - Samples must be prepared in an OSDH or ODAFF licensed facility.
   - Food handlers serving samples must have access to a hand wash station.
   - Dispensing of samples must be through the use of clean, sanitized utensils, single-use utensils, or single-use gloves covering clean hands (No bare hand contact with ready to eat foods).
   - Only individual single use portion containers may be used. No community use containers.
   - Proper protection from contamination is required (i.e. sneeze guards, plastic coverings, etc.)
   - Approved samples must be transported to the market in clean, sanitized containers that adequately protect the samples from the elements, changes in temperature (if a Time/Temperature Control for Safety food), and any other sources of contamination.
   - Food must be in good, sound condition, free from spoilage, filth, or other signs of contamination.

For More Information · Contact your local county health department or Consumer Protection within the Oklahoma State Department of Health at (405) 271-5243 or Market Development within the Oklahoma Department of Agriculture at (405) 522-6194.

Oklahoma State Department of Health

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