

## Farmers Market Guidance

The Farmer's Market is an avenue for sales of farm raised products, baked goods, and fruit preserves as well as prepared foods. MCA 50-50-121 allows for the sale of raw and unprocessed farm products, baked goods that do not require temperature control for safety and fruit and berry preserves with an exemption from licensing. The county reviews the recipes for compliance with the exemption and issues a certificate of exemption for all that qualify.

MCA 50-50-116 has provided cottage food registration as an additional means for sales in the country. A cottage food operator may sell any of the foods registered and approved by Lewis & Clark Public Health in any venue that is a face-to-face sale. This would include the Farmer's Market and eliminates the need for a certification of exemption.

Additional prepared food sales may be allowed with a license. This can be in the form of a temporary permit, mobile food license or food cart. Please refer to the temporary permit guidance for further information. For more information on the Montana Local Food Choice Act and its provisions for food sales, consult the Montana Code Annotated Title 50 Chapter 49 Part 2.

### ***What can be sold under the Farmer's Market Exemption?***

- Raw agricultural commodities (raw, unaltered)
  - Fruits
  - Vegetables
  - Raw Honey
  - Grains
- Whole shell eggs if the whole shell eggs are clean, free of cracks, and stored in clean cartons as 45°F or less.
- Baked goods: breads, candies, cookies, pastries, and pies that are non-potentially hazardous because they are non-time temperature controlled for safety
  - All frostings or glazes must have a cook step or be made with ingredients (such as a large amount of sugar) that when combined are stable at room temperature.
- Standardized jams, jellies, preservatives, and fruit butters as identified under 21 CFR, Part 150, subject to the following:
  - All recipes must have a cook step included such as a hot fill or hot water bath, and freezer or refrigerator-style products are not approved
  - All jams, jellies, preservatives and fruit butters must be sealed in containers that are sterilized prior to filling
  - Dry herb combining and packaging, and seasoning and mixture combining; examples of which are dry bean soup mixes, dry teas and coffees, and spices seasonings
  - Popcorn, popcorns balls, cotton candy
  - Fudge, candies, and confections that require a cook step
  - Molded chocolate using commercial chocolate melts; and
  - Honey

### ***How do I sell food items under the exemption?***

1. Fill out the Farmer's Market Food Exemption Review Form
2. The baked goods and preservatives requested will be evaluated according to the above allowed exemptions and the current definition of potentially hazardous (temperature controlled for safety).
3. A copy of the proposed label must be provided that meets the standards found in ARM 37.110.504 and MCA 50-50-116 (3) which includes the following (see example below):
  - Name, address, city, state and zip code of the cottage food operation
  - Name of the cottage food product
  - Ingredients of the cottage food product, in descending order of predominance by weight
  - Net quantity, weight, count, or volume of the cottage food product
  - Allergen labeling as specified by federal and state labeling requirements
  - If a nutritional claim is made, an appropriate label if required by federal law
  - The following statement printed in at least the equivalent of 11-point font size in a color that provides a clear contrast to the background and is conspicuously placed on the principal label
    - "Made in a home kitchen that is not subject to Retail Food Establishment Regulations or inspections."
4. Lewis & Clark Public Health will issue a Farmer's Market exemption certificate that lists all the food items that have been reviewed and approved for sale at the Farmer's Market.
5. Review and approval must be provided for additions to your exemption certificate.
6. The certificate must be publicly displayed at your food sales location. Any food items not listed on the certificate are not approved by the health department for sale at the Farmer's Market but may be allowed under other rules.

### ***Cottage Food Registration***

All cottage food operators may sell at the Farmer's Market with the display of their registration certificate. No further review will be required.

### ***Safe Food Handling Requirements for All Permitted Items:***

- Handling ready-to-eat foods with bare hands is not permitted. Use gloves, tongs, or other tools.
- Package and label all baked goods prior to bringing them to the market.
- No processing, handling of open foods will be allowed at the Farmer's Market without a Food Purveyors License.
- Store food off the ground to prevent contamination.

### ***Items Not Included in the Farmer's Market Exemption or Cottage Food Operation:***

- Vegetables cannot be cooked; canned; preserved; combined with other food products; or peeled, diced, cut, blanched, or otherwise subject to value-adding procedures.
- Baked goods cannot contain egg custards (i.e. cheesecakes, pumpkin pies), creams, cream fillings, cream cheese icings, or other products capable of supporting the rapid growth of bacteria.
- Preserves do not include tomatoes, salsa, or food products containing tomatoes, sauerkraut, pickles, herbal vinegars or oils, canned vegetables, or any other food product.

### ***How Do I Sell Other Food Items at the Farmer's Market?***

Obtain a retail food license from Lewis & Clark Public Health

- Temporary Food License or Mobile Food License: Submit a plan review application that includes plan review fees, and an approved facility to prepare, cook, and sell any food item not listed above.

***Submit a Farmer's Market Food Exemption Review To:***

Lewis & Clark Public Health  
ATTN: Licensed Establishment Admin  
1930 9<sup>th</sup> Ave  
Helena, MT 59601

If you wish to discuss your plan with a sanitarian, contact us ahead of time to make an appointment. Leave a message at 406-457-8919 and we will return your call or email us at [PHLicEst@lccountymt.gov](mailto:PHLicEst@lccountymt.gov).

MADE IN A HOME KITCHEN THAT IS NOT  
SUBJECT TO RETAIL FOOD ESTABLISHMENT  
REGULATIONS OR  
INSPECTIONS

Chocolate Chip Cookies  
Net Wt. 8oz (227g)

Ingredients: Enriched flour (wheat flour,  
niacin, reduced iron, thiamine, mononitrate,  
riboflavin and folic acid), butter (milk, salt),  
chocolate chips (sugar, chocolate liquor,  
cocoa butter, butterfat (milk), soy lecithin as  
an emulsifier), walnuts, sugar, eggs, salt,  
artificial vanilla extract, baking soda.

Contains: **Wheat, eggs, milk, soy, walnuts.**

Ashley Bryant  
2550 Helena Lane  
Helena, MT 59620