



FARMERS MARKET GUIDELINES

OAC title 310, Chapter 257

Farmers market means a 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-Time/Temperature Control for Safety (TCS) 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 Good Manufacturing Practice, OAC 310:260 of the regulations must obtain a state food processor's license. A Farmers' Market must have written operational 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 guidelines to the vendors. Farmers' Markets must be registered by the Oklahoma Department of Agriculture, Food and Forestry and comply with the Food Establishments, 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 TCS Foods at the Farmers' Markets must abide by all applicable sections of Food Establishments, OAC 310:257 of the regulations including acquiring a license from the department.

This definition does not include individual farmers who grow and sell unprocessed fruit and /or vegetables from the farm, roadside or truck.

General Regulations

- All meat at a farmers market must be sold frozen from a unit maintaining an Oklahoma State Department of Health (OSDH) mobile food license.
- Eggs must be properly graded and labeled as per Oklahoma Department of Agriculture, Food, and Forestry (ODAFF) regulations, held at 45° F and cannot be sold if older than 45 days.
- All dairy products must be manufactured in an Oklahoma Department of Agriculture licensed facility. All dairy sold at a Farmers Market must be sold from a unit maintaining an OSDH mobile food license.
- All TCS Foods must be maintained at proper temperature, even if pre-sold.
- Home baked goods may be offered for sale at farmers markets.
- No temporary licenses will be issued at farmers markets.

A license from OSDH and/or Tulsa Health Department (THD) will be required in the following cases:

1. Mobile Food Establishments must be licensed and regularly inspected. Mobile units must have establishment name and facility license number posted on unit.
2. Vendors selling prepackaged pasteurized milk produced from their own ODAFF-certified dairy.
3. Selling of packaged or processed foods.

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

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

Sanitation Requirements

1. Products must be sold whole, and stored and/or displayed off the ground.
2. Products must be from a source approved by OSDH.
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 or contaminated containers.
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 Oklahoma Department of Environmental Quality 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. Any vendor licensed by OSDH wanting to offer samples must meet the following sampling requirements:
 - o Samples must from an approved source and if vendors prepare samples at the stand (warming sausage, cutting cheese, etc.) they should meet sampling guidelines
 - o Food handlers serving samples must have access to a hand wash station.
 - o 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).
 - o Only individual single use portion containers may be used. No community use containers.
 - o Proper protection from contamination is required (i.e. sneeze guards, plastic coverings, etc.)
 - o 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 TCS food), and any other sources of contamination.
 - o Food must be in good, sound condition, free from spoilage, filth, or other signs of contamination.

For More Information · Contact the Tulsa Health Department at (918) 595-4300 or Consumer Protection Division within the Oklahoma State Department of Health at (405) 271-5243 or Market Development within the Oklahoma Department of Agriculture at (405) 522-6194.