



# WARREN COUNTY COMBINED HEALTH DISTRICT

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**Public Health**  
Prevent. Promote. Protect.

## **Farmers' Markets**

### Chapter 901:3-6 Farm Markets and Auctions

#### **Are all participants at a farmers' market exempt from a Retail Food Establishment (RFE) license?**

No, the exemption to a RFE license is based upon the types of foods being offered for sale by the participant at the farmers' market and whether the operator (organizer) of the farmers' market has registered with the ODA Division of Food Safety.

#### **What types of foods may the farmers' market participant offer for sale and still be exempt from the RFE license?**

A person at a farmers' market that only offers for sale the following types of food items is exempt from the RFE license:

- fresh unprocessed fruits or vegetables;
- maple syrup, sorghum, or honey [properly labeled];
- properly labeled products of a cottage food production operation; and
- Commercially prepackaged food that is not potentially hazardous, on the condition that the food is contained in displays, the total space of which equals less than one hundred cubic feet on the premises where the person conducts business at the farmers' market.

#### **Is a participant at a farmers' market prohibited from offering other foods for sale such as poultry or eggs?**

No. However, the farmers' market participant selling any food items not listed above, including poultry from their 1,000 or fewer flock of chickens or eggs from their 500 or fewer flock of hens will lose exemption status and will need to become licensed as an RFE by the local health department having jurisdiction.

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**Is a participant at a farmers' market that is listed in the Ohio Farmers' Market Directory exempt from the RFE license?**

Not necessarily. The exemption from the RFE license is based upon the types of foods being offered for sale by the participants at the farmers' market. The Ohio Farmers' Market Directory is a state directory of farmers' markets. Some of the participants at the farmers' market may be exempt based upon the foods being offered for sale, while other participants may not be exempt.

**If a participant at a farmers' market is NOT exempt, how are they regulated?**

A participant at a farmers' market that is not exempt because of the types of food they are selling is licensed and regulated by the local health department that has jurisdiction. They will be regulated under Chapter 3717 of the Revised Code as an RFE. The local health department will apply the Ohio Uniform Food Safety Code rules.

**Who regulates the exempt participants at farmers' markets?**

The Ohio Department of Agriculture's Division of Food Safety inspects participants at farmers' markets that are exempt from the RFE license.

**How does a farmers' market register with the Ohio Department of Agriculture's Division of Food Safety?**

A farmers' market operator (organizer) may contact the Division of Food Safety at 1-800-282-1955 to obtain registration information, or e-mail: [foodsafety@agri.ohio.gov](mailto:foodsafety@agri.ohio.gov) The individual participant at a farmers' market does not need to register.