



LEWIS & CLARK CITY-COUNTY Health Department

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Farmer's Market Guidance May 2014

Montana state law allows for certain items to be sold at a Farmers Market without a food purveyor's license. Lewis & Clark City-County Health Department staff reviews proposals for prepared food sales to determine if they comply with the exemption requirements.

Farmer's Market Exemption Requirements

1. Each vendor must submit a **Farmer's Market Food Exemption Review application** for each season.
2. The Health Department will issue a **Farmer's Market Certificate** that lists all the food items that have been approved for sale without a food purveyor's license at the Farmer's Market. Food items not listed on the certificate are not approved for sale at the Farmer's Market.
3. The certificate must be publically displayed at the food sales location.

Evaluation of Exempt Food Products

A. Baked Goods: breads, cakes, candies, cookies, pastries, fruit pies

1. Decisions on approval of baked goods will consider the risk posed by the product and the procedures used to produce it. Products must not be a potentially hazardous food. Products with simple ingredients, that require minimal handling, and which pose minimal risk are most likely to be approved.
2. Examples:
 - a. Rice crispy bars that are made with melted marshmallows and dry cereal.
 - b. Popcorn balls, caramel corn
 - c. Icings must be at least 50% sugar
3. The following **items cannot be approved**:
 - a. Egg custards (cheese cakes, pumpkin pies)
 - b. Cream fillings
 - c. Cream cheese icings unless documented at least 50% sugar
 - d. Any baked items that contain chunks of fruit or vegetables
 - e. Any item containing alcohol
 - f. Any item containing meat or cheese
 - g. Products that include produce that must be washed and served as ready-to-eat. This would include chocolate covered strawberries.

B. Preserves: processed fruit or berry jams, jellies, compotes, fruit butters, marmalades, chutneys, fruit aspics, fruit syrups. Preserves must be aseptically processed, packaged, and sealed.

1. All preserves must be determined to be non-potentially hazardous. This includes the following:
 - a. pH must be <4.6; OR
 - b. Recipe must include at least 50% sugar
 - c. Fruit and berries only
2. **Preserves that cannot be approved** will include the following:
 - a. Non-fruit jams and jellies including vegetables or vegetable extracts (beets, peppers, mints, herbs)
 - b. No alcohol preserves
 - c. Tomatoes, salsas, or food products containing tomatoes, sauerkraut, pickles, herbal vinegars or oils, canned vegetables, or any other food product not specifically listed.

C. Raw Agricultural Farm Products: unprocessed fruits, vegetables, and grains may be sold

1. Wild Mushrooms are not a raw agricultural farm product and cannot be sold.

D. Hot Beverages: hot coffee or hot tea may be sold at Farmer's Market if:

1. Only powdered creamer is allowed.
2. Does not include lattes, chai teas or any other beverages that have fluid milk or cream.,

E. Whole Shell Eggs:

1. Eggs and cartons must be clean
2. New and recycled cartons must be labeled with the name and mailing and/or physical address of the farm owner or operator.
3. Eggs must be held at or below the safe temperature of 41° F. for storage and display.