



# CUYAHOGA COUNTY BOARD OF HEALTH

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## Farmers Market Operation

### Exemption from a Retail Food Establishment (RFE) License

The exemption to a RFE license is based upon the *types* of foods being offered for sale by the participant at the farmers market.



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
- 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.

## **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.

## **Regulation of Farmers Markets**

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

### **More information**

CCBH Food Protection Unit  
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[www.ccbh.net](http://www.ccbh.net)