

	West Virginia Department of Health and Human Resources					
	MANUAL OF ENVIRONMENTAL HEALTH PROCEDURES					
Section	Food	Date	June 10, 2015	Procedure #	F-16	
Subject	Uniform Farmers Market Vendor Permits at Farmers Markets			Page	1	of 3

This procedure is intended to clarify the types of operational permits that may be required for vendors who sell food products, provide samples or perform food demonstrations at a Farmers Market. An operational permit issued by the Local Health Department (LHD) may or may not be needed based on the types of products being offered by the vendor at a Farmers Market.

Products that REQUIRE a Uniform Farmers Market Vendor Permit include:

- Eggs (please refer to [Farmers Market Vendor Guide](#) for further requirements)
- Meats (please refer to [Farmers Market Vendor Guide](#) for further requirements)
- Poultry (please refer to [Farmers Market Vendor Guide](#) for further requirements)
- Dairy products (which must be produced in an approved dairy processing facility) (please refer to [Farmers Market Vendor Guide](#) for further requirements)
- Commercially raised and harvested fish (please refer to [Revision to the Farmers Market Vendor Guide pg. 20 - Fish](#) for further requirements)
- Sprouted seeds (please refer to [Farmers Market Vendor Guide](#) for further requirements)
- Products produced in an approved food manufacturing facility which require temperature control (LHD may require documentation)
- Other foods as determined by the Commissioner on a case by case basis

Products that DO NOT require a Uniform Farmers Market Vendor Permit, but require a vendor to [register](#) with the Local Health Department (also see procedures manual memo [F-7 link](#)) include:

- Food items that are NON-POTENTIALLY HAZARDOUS and may include:
 - Non-dietary Jams, Jellies, and Preserves
 - Applebutter, Molasses, and Sorghum

- Undiluted Honey and Undiluted Maple Syrup (The sale of diluted honey or syrup or dietary products where artificial sweeteners have been used in place of sugar is prohibited)
- Dehydrated Fruits and Vegetables (excludes dehydrated meats which are under the surveillance of the West Virginia Department of Agriculture)
- Vinegar - Plain, Herb, or Flavored (does not include acidified or pickled foods)
- Cakes, Cookies, and Candies (Cream filled products are prohibited)
- Fruit Pies (Cream, custard and meringue pies are prohibited)
- Yeast breads, nut and fruit breads
- Other foods as determined by the Commissioner on a case by case basis

Any vendor offering the above products are required to inform the consumer by placing in a clear and conspicuous location in close proximity to the products being offered for sale, a public disclosure that contains the following statement: “These products are prepared in a kitchen that is not subject to regulation and inspection by the Commissioner or his/her designee”.

Products that DO NOT require a Uniform Farmers Market Vendor Permit, and DO NOT require a vendor to register with the Local Health Department include:

- Whole, uncut fruits and vegetables
- Commercially harvested mushrooms (see [Farmers Market Vendor Guide](#) for more information)
- Prepackaged foods that do not require temperature control and that are produced in an approved food manufacturing facility (LHD may require documentation)
- Other foods may be included at the discretion of the Commissioner of the Bureau for Public Health or his/her designee

A Food Establishment Permit IS REQUIRED for the following:

- Cooking demonstrations (please refer to [Farmers Market Vendor Guide](#) for further requirements)
- Food Sampling of potentially hazardous foods (please refer to [Farmers Market Vendor Guide](#) for further requirements)

- Other instances where food is prepared on site

A mobile food permit may be issued as needed by the LHD

- Mobile food units range from push carts to food preparation catering units

A Retail Food Permit is REQUIRED for the following:

- A consignment farmers market as defined in Legislative Rule 64CSR102 offering potentially hazardous products.

Temporary food permits MAY NOT be issued for the above types of operations. Temporary food permits are issued in conjunction with a single event not exceeding two weeks in length. OEHS defines the operational season of a market as the event. A Farmers Market operational season normally exceeds two weeks in length; therefore, a temporary food permit is not applicable.

References: [Farmers Market Vendor Guide](#); [Policy Memo F-7](#) ; [Revision to the Farmers Market Vendor Guide pg.20-Fish](#)

History: Replaces F-16 Food Permits at Farmers Markets dated 3-24-14

Attachments: [Link to SF-17 Farmers Market Vendor Application](#)