



## **LOGAN COUNTY DEPARTMENT OF PUBLIC HEALTH FOOD PERMITTING GUIDELINES FOR FARMERS' MARKETS, OUTDOOR AND TEMPORARY FOOD EVENTS**

This guide is intended to provide a better understanding of the Logan County Department of Public Health (LCDPH) permit requirements for selling food at a farmers' market or other of outdoor market/temporary event. This is a general overview which is designed to answer basic farmer market and outdoor event/temporary food permitting questions. It is important to understand that the same food sanitation practices and permitting requirements for vendors selling at farmers' markets also applies to vendors selling at other types of temporary food or outdoor events. Cottage food operators, on the other hand, have distinct requirements and are restricted to sell to end consumers only at farmers' markets.

The LCDPH has adopted the Illinois Department of Public Health (IDPH) Illinois Food Service Sanitation Code and Illinois Retail Food Store Sanitation Code which has adapted and incorporated rules pertaining to licensing and inspections of farmers' markets. Some of the Illinois Statutes and rules for regulating farmers' markets and other outdoor food sale events utilized in this publication includes, but is not limited to, Farm Products Marketing Act (505 ILCS 70/1), Egg and Egg Products Act (410 ILCS 615/1), Meat and Poultry Inspections Act (225 ILCS 650/1), Grade A Pasteurized Milk and Milk Products Act (410 ILCS 635), Sanitary Food Preparation Act (410 ILCS 650/1.1), Illinois Retail Food Store Sanitation Code (77 Ill. Adm. Code 760), Illinois Food Service Sanitation Code (77 Ill. Adm. Code 750) and the Illinois Food, Drug and Cosmetic Act (410 ILCS 620/1).

If you plan to sell food at a farmers' market, outdoor or temporary food event, the product, type of food you sell and/or food service practices may

warrant the need for a temporary food permit to be issued by the LCDPH. If planning to sell food at any public event, you must first contact the LCDPH to inquire regarding the need for a permit. The general guidelines are as follows:

**FOODS ALLOWED AT A FARMERS' MARKET (OR OTHER OUTDOOR/TEMPORARY FOOD EVENTS) WITH NO RESTRICTIONS (NO LCDPH PERMIT NEEDED):**

- **Raw agricultural products** including fresh fruits and vegetables, only minimally rinsed to remove visible soil, but otherwise unprocessed. Vendors selling produce (whole fruits and vegetables) have the right to sell their products without the need for licensure or permit as indicated in the 505 ILCS 70 Farm Products Marketing Act.
- **Honey in the comb or removed from the comb** in an unadulterated condition is exempt provided the producer packs or sells less than 500 gallons. Federal labeling laws must be followed.
- **Grains, seeds, beans and nuts** that are whole, unprocessed, unpackaged and unsprouted
- **Popcorn (kernels can be removed from the cob)**
- **Fresh herb sprigs (a little twig or spray); dried herbs in bunches** provided these are only cut for harvesting, minimally rinsed to remove visible soil and unpackaged

The above items are allowed to be in unsealed bags or containers or bagged at the time of sale by the vendor.

**FOODS ALLOWED FOR SALE OR DISTRIBUTION AT FARMERS' MARKETS (OR OTHER OUTDOOR/TEMPORARY FOOD EVENTS) WITH CERTAIN RESTRICTIONS:**

- Effective January 1, 2012, "cottage kitchen operations" are allowed under Public Act 097-0393 to sell directly to the consumer, only at a farmers' market, non-potentially hazardous foods (as approved in the Act) which are prepared in the person's primary domestic residence. The cottage kitchen operator must first apply for registration with the LCDPH and meet all the conditions and restrictions set forth in the Act. For all details, you can refer to the Act or contact the LCDPH.

- **Baked goods (from a non cottage-food operation)** must be prepared in an inspected facility. The products must be packaged and labeled as required by state law. For labeling requirements, consult with appropriate state food sanitation codes or contact the LCDPH. Vendors selling non-potentially hazardous baked goods (that are prepared in a licensed facility) generally do not require a LCDPH permit to sell at a farmers' market; however, if the product is potentially hazardous (i.e. cream pies), a temporary food permit would be required. If the baked goods are processed and prepared for wholesale distribution, the facility and processing procedures must be inspected by IDPH or proper authority.
- **Vendors selling fruits and vegetables that are processed or cut** into smaller portions on site (i.e. for sampling to the public) are subject to LCDPH permitting since the foods being sold are processed or prepared (cut) for the consumer. Since the cutting procedure is considered "food handling," personal hygiene, food protection and proper sanitizing of utensils become critical and will be addressed through the health department permitting process.
- **Milk and cheese products** can be sold at a farmers' market provided such items are processed, pasteurized and packaged at a state-licensed dairy plant. Since these products are potentially hazardous and require proper temperature storage, a permit from the LCDPH would be required to sell at the market or event. For additional guidelines regarding dairy products, contact the LCDPH.
- **Ice cream** can be sold provided it is manufactured in a licensed dairy plant or inspected retail food establishment and the product is prepared with commercially pasteurized ice cream mix. Since ice cream is potentially hazardous, the LCDPH would need to issue a permit to sell the product at any retail location or event.
- **Herbs** that are processed (chopped, blended and packaged) must be prepared in an inspected facility. A dry herb, dry herb blend or dry tea blend is allowed under the Cottage Food Act provided it is intended to be sold directly to the end-use consumer.
- **Honey** sold from a producer selling more than 500 gallons must be extracted and bottled in an inspected facility. Note: The product may not be called honey if a sweetener is added. Any person keeping one or more colonies of bees must register with the Illinois Department of Agriculture annually as required by the Illinois Bees and Apiaries Act (510 ILCS 20).

- **Maple syrup** must originate from an inspected facility.
- **Commercially-raised mushrooms** may be sold under the condition that documentation is provided which details the source. **Wild-type mushrooms** picked in the wild shall not be offered for sale or distribution.
- **Ciders and fruit/vegetable juices** must be processed in an inspected facility. For further information regarding juices, contact the LCDPH.
- **Fruit butters** such as apple, apricot, grape, peach, plum, quince and prune can be produced by a cottage food operation and sold only at farmers' markets to the end consumer. Pumpkin butter, banana butter and pear butter cannot be sold unless these products are produced at an inspected facility. Fruit butters not listed above may only be produced and sold by cottage kitchen operations under the conditions specified in Public Act 097-0393.
- **Herb vinegars** must be made in an inspected facility.
- **Garlic-in-oil** can only be sold if it is processed in an inspected commercial processing plant where it can be acidified to certain specifications. Garlic-in-oil is frequently contaminated with Clostridium botulinum spores, and therefore, must be processed in a commercial environment only. In addition, **other flavored oils** must be processed in an inspected facility.
- **Jams, Jellies, and preserves** such as apple, apricot, grape, peach, plum, quince, orange, nectarine, tangerine, blackberry, raspberry, blueberry, boysenberry, cherry, cranberry, strawberry, red currants, or a combination of these fruits are allowed to be produced by a cottage food operation and sold only at farmers' markets directly to end consumers. Rhubarb, tomato, and pepper jams or jellies are not allowed to be sold unless they are produced in an inspected facility. Any other jams, jellies or preserves not listed above may only be produced and sold by cottage kitchen operations under conditions specified in Public Act 097-0393.
- **Pickles, relishes, salsas and all other canned items** must be canned and preserved in an IDPH-inspected facility.
- **Shell eggs** can be sold provided the person who transports and sells the eggs has an egg license issued by the IDOA. Because eggs are potentially hazardous and require temperature control, persons selling eggs retail at a farmers' market or at public locations (off the farm) will also need a permit from the LCDPH.

- **Meat and poultry** must be slaughtered under IDOA or U.S. Department of Agriculture (USDA) inspection. Products offered for sale must bear an IDOA or USDA inspection legend and other required labeling on the package. Since meat and poultry are potentially hazardous and require temperature control, a permit from the LCDPH would be required to sell these products to end consumers at a farmers' market or public retail site.

**Note:** Meat, poultry and egg vendors who possess a meat broker's or egg license from the Illinois Department of Agriculture (IDOA) are not exempt from the need for a permit for their retail operation or food stand at a farmers' market/outdoor event. While IDOA licenses cover many aspects of food handling, these are not intended to grant permission to retail sell food items at public locations. The LCDPH is responsible for inspecting and issuing permits at public retail locations where potentially hazardous foods are made available to the end consumer. For additional information regarding meat and poultry requirements, you can contact the IDOA at 217-785-4709 or go online at [www.agr.state.il.us](http://www.agr.state.il.us).

- **Fish** can be sold provided it is processed in an inspected facility. In addition, a commercial fishing license is required for anyone who sells or distributes fish at a farmers' market. Since fish is a potentially hazardous food, the LCDPH would need to issue a permit to retail sell this product at a market or event.
- **Commercially processed or produced, pre-packaged food products** may be sold at a farmers' market or temporary/outdoor event provided the products are non-potentially hazardous and are State and/or Federally-inspected, processed, packaged and labeled foods (i.e. cans of soda, candy bars, potato chips). If products sold in this category are potentially hazardous and require temperature control, the vendor would be required to have a permit from LCDPH.
- **Live animals** can be sold if there are no local ordinances prohibiting it. Live animals must be segregated from all other food items sold at a market.
- **Cooking and/or hands-on food preparation** for the public at any site or event requires a permit from the LCDPH. Examples include making sandwiches, cooking hotdogs, etc. See further details below.
- If there are questions regarding any food items or products not listed on this publication, you can contact LCDPH for further information.

Please note that if a vendor is required to have a temporary food permit from the LCDPH, a proper handwashing station and additional sanitation supplies & equipment (i.e. mechanical hot/cold holding equipment, 3 compartment dish wash set-up, sanitizer, thermometers, etc.) may be needed on site. As part of the permitting process, vendors will first need to consult with the LCDPH regarding their specific needs. For more details and a checklist of what you will need to have on hand at a farmers' market or outdoor/temporary food event, you can contact the LCDPH.

Temporary food permit applications must be submitted to the LCDPH with payment no later than five (5) working days prior to the event. Applications not meeting this deadline will be subject to late fee.

### **FOODS PROHIBITED FROM SALE OR DISTRIBUTION AT A FARMERS' MARKET (OR OTHER OUTDOOR AND TEMPORARY FOOD EVENTS):**

- **Raw milk or any dairy products made with raw milk** are prohibited for sale by the Grade A Pasteurized Milk and Milk Products Act. There are exemptions with regard to aged cheese. For further details, you can contact the LCDPH.
- **Home-butchered meat, poultry or wild game animals** shall not be transported or sold.
- **Home-canned foods** are prohibited due to the risk of contamination from Clostridium botulinum (unless a scheduled process is filed with the U.S. Food and Drug Administration). Home-canned foods shall not be sold to the public. Canned foods are only allowable if the source is from an inspected facility.
- **Home vacuum-packaged products** are prohibited due to the risk of contamination of anaerobic bacteria such as Clostridium botulinum.
- **Sandwiches prepared at home** must not be sold or served to the public. Sandwiches available to the public must be prepared at an inspected facility. Any food stands selling sandwiches must first contact the LCDPH regarding the need for a permit.
- **Homemade ice cream** is prohibited for sale. Ice cream can only be prepared at an inspected facility.
- **Other food products** not specified on this publication will be assessed on an individual basis.

## **OTHER REQUIREMENTS:**

- **Bake sales** are allowable without the need for a permit and may be conducted on a limited basis (i.e. once per year) with the intent to raise funds for an organization or charity. Only non-potentially hazardous foods can be sold at a bake sale and a placard is to be placed within view of the public noting the products are “home baked.” The funds generated must go to benefit the organization or charity and the bake sale items must directly be sold by members of the organization that is conducting the fundraiser.
- All foods that require packaging must bear **labeling** noting such items as common name of food, name, address of packager, processor, distributor or manufacturer, net contents in weight, list of all ingredients in descending order by predominance of weight, safe handling instructions and other additional requirements. Consult with your regulatory agency (i.e. LCDPH, IDOA or IDPH) for full labeling requirements. No nutrition labeling is required for small business grossing under \$10,000 per year. Further labeling information is available at LCDPH.
- **The information source for this document is the Illinois Department of Public Health. This information is not all encompassing and is only intended to provide a general overview to help clarify LCDPH temporary food permitting requirements. For additional information, contact the Logan County Department of Public Health at 217-735-2317 or go online at [www.lcdph.org](http://www.lcdph.org).**