

	West Virginia Department of Health and Human Resources				
	MANUAL OF ENVIRONMENTAL HEALTH PROCEDURES				
Section	Food	Date	March 24, 2014	Procedure #	F-16
Subject	Food Permits at Farmers' Markets			Page	1 of 3

The purpose of this memorandum is 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 may or may not be needed based on the types of products being offered by the vendor at a Farmers' Market.

Products that WOULD NOT require an operational permit, but require a vendor to [register](#) with the Local Health Department (also see procedures manual memo [F-7 link](#)) include:

- Food items 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 or sugar is prohibited)
 - Dehydrated Fruits and Vegetables (excludes dehydrated meats which are under the surveillance of the 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 may or may not be included at the discretion of the Commissioner of the Bureau for Public Health or his/her designee

Any vendor offering the above products are required to inform the consumer by posting a clearly visible placard at the sales location that states: ‘these products are prepared in a kitchen that is not subject to regulation and inspection by the Commissioner or his/her designee’.

Products that WOULD NOT require an operational 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 or may not be included at the discretion of the Commissioner of the Bureau for Public Health or his/her designee

Products that WOULD REQUIRE a Retail Food Operational 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)

Temporary food permits SHALL 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.

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

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

History:

Attachments: