

STATE REGULATIONS FOR SELLING AT FARMERS' MARKETS: A Guide for Market Managers and Vendors

The following is a list of State Agencies responsible for promoting food safety, consumer protection and vendor success at farmers' markets

Agency of Agriculture, Food & Markets

116 State Street Montpelier, VT 05620-2901

Website: <http://agriculture.vermont.gov/>

Dairy Products

Any vendor interested in selling dairy products (milk, cheese, butter, goat's milk cheese, etc.) must meet labeling and requirements and be licensed through the Vermont Agency of Agriculture, Food & Markets. Contact the Dairy Section at (802) 828-2433.

Licenses and other dairy requirements:

- **Milk handler's license:** for anyone selling dairy products they produce (except raw milk see below).
- **Retail milk license:** to sell prepackaged fluid product and product must be kept below 45°F.
- **Frozen dessert license** or milk handler license: for ice cream and other frozen dairy products they produce. No license for selling frozen desserts made by other licensed dealers such as pre packaged novelties or scooping hard ice cream.
- If scooping ice cream into cones or cups they need a method to keep the scoop and their hand clean.
- **Raw Milk** – raw milk can now be delivered at a farmers market if the following steps are met:
 - Farm must be registered with the Agency of Agriculture, Food & Markets as a Tier II raw milk producer and display the registration at the market.
 - Milk must be presold – the farmer should be able to show you a list of who they have milk for that day.
 - Milk be under constant refrigeration and out of daylight – can be cooler with ice or other means to keep the milk out of the sun and 40 ° F or less.
 - In 2015 the legislature added that a warning sign in one inch letters or larger must be displayed at the farmer's booth in a manner that is clearly visible to the customers that states: "Unpasteurized (Raw) Milk. Not pasteurized. Keep Refrigerated." and "This product has not been pasteurized and therefore may contain harmful bacteria that can cause illness particularly in children, elders, and persons with weakened immune systems and in pregnant women can cause illness, miscarriage, or fetal death, or death of a newborn."

Meat and Poultry Products

Any vendor interested in selling meat products must be licensed through the Vermont Agency of Agriculture, Food & Markets (exceptions are game birds, rabbits, and venison). Contact the Meat Inspection Section at (802) 828-2426.

Licenses required:

- **Farmers' Market retail license:** for red meat and *inspected* poultry.
- **For uninspected poultry:** no license needed.

General product requirements

- An acceptable and sanitary means of storage is required to hold the meat and/or poultry products to 40° F or less for refrigerated products and 15°F or less for frozen products.

Meat product requirements:

- *Any* red meat sold at Farmers' Markets is required to be inspected- there is no exemption for red meat.
- Meat products should have a mark of inspection on the product, either a VT inspection legend or a USDA federal inspection legend.
- Meat products that have been processed at a custom processor and marked "NOT FOR SALE" cannot be sold.

Poultry product requirements:

- Poultry product requirements: Inspected poultry should have a mark of inspection on the product, either a VT inspection legend or a USDA federal inspection legend.
- Uninspected poultry can only be sold as a packaged whole bird (cannot be cut up or further processed).
- The required labelling for uninspected poultry is found in [6 VSA §3312 \(b\)](#), and it is up to the producer to properly label the poultry. Specifically, this includes name(s), address, Exempt Statement, and Safe Handling Instructions.

Eggs

Any vendor selling eggs at a farmers' market must comply with labeling regulations and grading requirements. Contact the Food Safety & Consumer Protection Division at (802) 828-3458.

Scale certification

Any vendor selling products across a scale must have a scale that is legal for trade and certified by the Agency of Agriculture, Food & Markets. Contact the Food Safety & Consumer Protection Division at (802) 828-3458. NOTE: Beginning in 2016, the exemption from a license fee for small scales will end. All small scales will require a license from the Agency of Agriculture, Food & Markets.

Labeled products

Any vendor selling a packaged product (including preserves, pickles, baked goods, etc.) must comply with the Vermont State Packaging and Labeling Law. Contact the Food Safety & Consumer Protection Division at (802) 828-3458.

Department of Health

P.O. Box 70, 108 Cherry St., Burlington, VT 05402

Website: <http://healthvermont.gov/>

Baked Goods

Vendors at a farmers' market who are baking for the purpose of selling product may need to be licensed through the Department of Health. Contact the Food and Lodging Program at 1-800-439-8550.

- **Home Baking License:** covers those who wish to prepare baked goods (those whose primary ingredient is flour) such as breads, cakes, cookies, pies, etc. This license has the same requirements as the Home Catering License. An exemption does exist for individuals selling at farmers' markets with gross sales less than \$125 a week averaged over the entire year. Contact the Department of Health to see if your operation qualifies for this exemption.

Prepared Foods

Any vendor at a farmers' market who is cooking, preparing or altering food onsite for sale must obtain a fair stand license or commercial caterer's license. Contact the Food and Lodging Program at 1-800-439-8550.

- **Fair Stand License (Temporary Food Stand):** covers those who wish to do the food preparation at the Farmers' Market. This license requires hand-washing facilities with hot and cold running water at a sink; enclosed holding tank to collect the grey water from the sink; adequate refrigeration and hot-holding units; flooring; and proper garbage disposal.
- **Home Catering License:** covers those who wish to prepare food at home and bring it to the Farmers' Market, packaged and ready for sale. If necessary, adequate refrigeration and/or hot-holding units must be provided. This license requires an inspection of your home kitchen, including a survey of your private water supply with water sampling. If you are on a public water system, this would not be necessary.

Any vendor who prepares food off-site and brings it to the market wrapped to be sold *and not reheated or altered on-site* requires a Home Caterer, Commercial Baker, or Home Baker license.

Licensed Food Processors can also sell jarred or packaged product at the market. Processors with gross receipts <\$10,000 per year do not require a license.

Vendors Selling To Restaurants

A vendor selling any product to restaurants must be licensed by the Dept. of Health. Contact the Food and Lodging Program at 1-800-439-8550.

For more information:

- Health Regulations for Food Service Establishments, where the "Classification of Food Establishment Licenses" are defined on p. 2 of the document:
http://www.healthvermont.gov/regs/03food_estab.pdf
- Food & Lodging Regulations:
http://www.healthvermont.gov/enviro/food_lodge/food_reg_guide.aspx
- Summary of Temporary Food Stand Requirements:
http://www.healthvermont.gov/enviro/food_lodge/documents/food_stand_requirements.pdf

Secretary of State's Office

Redstone Building, 26 Terrace Street, Drawer 09, Montpelier, Vermont 05609-1101

Website: <https://www.sec.state.vt.us/>

Tradename

Any vendor interested in registering their company tradename should contact the Secretary of State at (802) 828-2366.

Department of Taxes

109 State St., Montpelier, VT 05609-1401

Website: <http://www.state.vt.us/tax/>

Business Tax Number

Any vendor selling non-food items (exceptions are vegetable plants, herbs, edible flowers, etc.) must obtain a Vermont business tax number. Contact the Vermont Department of Taxes at (802) 828-2551.

Rooms and Meals Tax

Any vendor selling a prepared food should contact the Vermont Department of Taxes at (802) 828-2551 for more information.

Depending on the goods they offer, vendors may be subject to either Rooms and Meals Tax or Sales and Use Tax. Also, some towns have local option taxes. Farmers' markets are not responsible for making sure their vendors collect and pay the appropriate taxes. It is the job of

the individual vendor to meet these requirements of the state. Some business tax information for Vermont is presented here. For more information, [contact the Vermont Department of Taxes at \(802\) 828-2551 and request the Guide to Vermont Business Taxes.](#)

Meals Tax

This is a tax on the receipts from the sale of taxable meals and non-alcoholic beverages. Vendors selling prepared foods and individual portions of baked goods or beverages at your market must collect this tax. The current tax is 9%. A tax chart can be found in Appendix IX or on-line from the VT Department of Taxes; <http://www.state.vt.us/tax/>.

Sales Tax

This tax is on retail sales in Vermont. At a farmers' market, this would apply to vendors selling crafts. The tax rate is currently 6%, and a tax chart can be found in Appendix IX or on-line at the VT Department of Taxes, <http://www.state.vt.us/tax/>.

Local Option Taxes

Currently Manchester, Rutland, Williston and Stratton have a 1% local tax that is charged in addition to the state sales tax. Other towns may adopt such a tax in the future. Check with the Vt. Department of Taxes about filing these taxes. Tax charts including these local option taxes are also available at www.state.vt.us/tax.

Federal Taxpayer Identification Number (TIN/EIN)

If your farmers' market does not have a TIN/EIN, you should apply for one in the name of the farmer's market. Use Form W-7, Application for IRS Individual Taxpayer Identification Number, to apply for an ITIN, or Form SS-4, Application for Employer Identification Number, to apply for an EIN. You can apply for an EIN online by accessing the IRS website at www.irs.gov/businesses and clicking on Employer Identification Number (EIN) under Starting a Business. You can get Forms W-7 and SS-4 from the IRS by visiting www.irs.gov or by calling 1-800-TAX-FORM (1-800-829-3676)