



2022 FARMERS MARKET OPERATING RULES AND REGULATIONS

INTRODUCTION AND PURPOSE

The Tuscaloosa River Market is a destination that combines the City's River Walk along the peaceful Black Warrior River with the convenience and opportunity to shop for homegrown produce and crafts in a relaxing and enjoyable outdoor venue. The Tuscaloosa River Market is a Certified Alabama Farmers Market organized under the Alabama Farmers Market Authority and complies with the rules as prescribed by the Authority.

The purpose of the River Market is to provide certified locally grown and produced fruits, vegetables, meats and other non-certifiable agricultural products and crafts by direct marketing to the local community and surrounding areas. The River Market provides a venue that offers the community a superior food shopping experience while at the same time encouraging and providing farmers and vendors with a well-organized, well operated and profitable retail market for their products.

It is the intent and desire of the City of Tuscaloosa to implement and enforce all rules and regulations pertaining to the operation of the River Market in a fair and equitable manner for the enjoyment and benefit of the community and its vendors.

LOCATION

The Tuscaloosa River Market is located at 1900 Jack Warner Parkway across from the Tuscaloosa County Public Library and Mildred Westervelt Warner Transportation Museum.

THE SELLING SEASON

SATURDAYS
January 8 – December 17, 2022
HOURS: 7:00 am – 12:00 pm

WEEKDAY POP-UPS
May 1, 2022 – August 31, 2022
3:00 pm – 6:00 pm
LOCATIONS VARY

The City Venue Operations Manager reserves the right to close the market with or without notice due to impending weather conditions, low volume vendor attendance, or other necessary reasons up to 4 times annually. Closures will be made known through the market's messaging system, social media, and in advance as time permits.

MARKET MANAGER

The Market Manager's job on the Market site is to coordinate all of the activities of the weekly functioning of the Market and to implement market policies. This includes oversight of the Market set-up and clean-up, daily

assignments, collection of dues, fees and information, assuring vendor compliance with cleanup, display all River Market policies, and answering questions. The Market Manager also acts as a conduit of information from the vendors and patrons to the Tuscaloosa River Market's City Venues Operations Manager. The Market Manager has complete authority to interpret and implement policy on the market site. The person serving in the capacity of Market Manager on any given day reports to the City Venues Operations Manager of the River Market. Any questions or concerns may be submitted in writing to the Venues Operations Manager.

MARKET ADVISORY COMMITTEE

Any current vendor may participate in the market advisory committee. One to two advisors may accompany the market manager or designee on farm visits as consultants. Final decisions regarding inspections remain solely at the discretion of the City Venue Operations Manager or designee under the advice of the Market Advisory Committee.

ONLY LOCAL PRODUCERS MAY SELL AT THE MARKET

Local is defined as products made or harvested within 25 miles of the border of the state of Alabama. A producer is defined as the person that grows, makes, harvests or catches the product and may also include the producer's immediate family, partners, and employees. A partnership, for the purpose of this document, is defined as two or more individuals engaged together in the joint production of products. It is within the discretion of the Market Manager based upon extenuating circumstances to determine who may sell for a producer. The resale of items purchased by the vendor shall not be permitted, unless expressly permitted by the market manager and cannot exceed 20% of the vendor's products available.

VENDOR GUIDELINES

All vendors must complete an application through www.TuscaloosaFarmersMarket.com and be approved. Vendors must pay appropriate fees prior to selling. All producers and vendors shall provide at the time of application copies of any permits and licenses applicable to the sale of their products.

Many items are subject to Health Department regulations. It is the responsibility of the producers and vendors to abide by these regulations. Contact the Tuscaloosa County Health Department for questions, inspections and approvals. No cooking is permitted within the market area without prior approval by the Market Manager. It is the responsibility of each producer and vendor to abide by all city, state, and federal regulations which govern the production, harvest, preparation, preservation, labeling, or safety of products offered for sale at the market. All vendors regardless of product must meet the Health requirements that prevent food borne illnesses. Vendors are liable for their own products.

Arts and crafts are not permitted for sale at the market unless they have received prior approval by the Market Manager. Items purchased for resale as well as items made from kits, commercially available plans and items that are mechanically mass-produced may not be sold at the Market. If there is any question whatsoever about whether an item may be sold at the market, a brief written proposal should be submitted to the Market Manager for review.

Fishermen/Seafood- Any vendor wishing to sell fresh or frozen seafood, either retail or wholesale, through the Tuscaloosa River Market must have a valid Alabama Seafood Dealer's License and follow all rules and regulations associated with the selling of seafood. This does not apply to vendors that are preparing finished or value added products such as cooked seafood that has been purchased through a licensed dealer.

Tuscaloosa County Health Department requires, in order for the fisherman to sell seafood under an open shed, all the seafood must be sold as pre-packaged. The person cannot open the package to add or remove any seafood product. The fisherman will need to bring to the Tuscaloosa County Health Department (TCHD) office in Tuscaloosa: 1). A letter on company letterhead stating that they are an approved source who can prepackage the seafood for the individual and what declared weight the bags will be. The person should have on hand cards with processor or retail market name to hand out with each bag.

2) If they captain their vessel, then they would bring a copy of their vessel registration with a letter stating they are prepacking the seafood on board their vessel and declare what weight bags will be. (to TCHD) office in

Tuscaloosa. Good sanitation practices must be practiced on board. In both cases the product temperature must be maintained at 41°F or below. Packaged crabmeat and fingers will already be packed by a processor so they only need to be held below 41°F and meet any requirements the Alabama Seafood Branch requires.

PERMITS AND FEES

A growers' permit must be completed before selling at the market. Growers Permits are available at no charge from the Tuscaloosa County Extension Office located at 2501 7th Street Tuscaloosa, Alabama 35401, (205) 349-4630 or at the extension office in the county from which the farm operates. The purpose of the certificate is to ensure that the products sold originate with producer, his or her family, employees or partners. This allows the producer and the customer to be exempt from state and local taxes for goods sold in the original state of production or condition of preparation for sale as pursuant to Ala. Code §11-51-105 (1975).

If goods or products sold can be considered “Value Added” that are no longer in their original state , ie. Pickled produce, processed meats, baked goods, arts & crafts, it is required to have a business license from the City of Tuscaloosa as well as a Transient Vendor License from the County. The vendor is responsible for collecting and remitting related sales taxes. Any fees collected by the market are for the express purpose of promoting and operating the Farmers Market. A schedule of all applicable fees is listed below. If a vendor has any questions concerning the collection and payment of taxes or business license information, vendors may contact the City of Tuscaloosa Revenue Department at (205) 248-5200.

Annual & weekly \$10 fees can be paid in person at the Tuscaloosa River Market (cash or check only). If fees are not paid in advance they will be collected from the vendor by the Market Manager no later than 11:00 am during the market.

REQUIRED DOCUMENTS AND FEE SCHEDULE

PRODUCTS SOLD	Annual Market Application	Annual Farmers Market Fee Payable to the City of Tuscaloosa	Per Market Fee	Growers Permit ACES	Copy of Vehicle Liability Insurance	Tuscaloosa Business License (Renew Annually by Feb. 15)	Tuscaloosa County & State of Alabama Transient Vendor License Required (Renew Annually October 1)	FOOD SAFETY DOCS – Ala. Dept. Public Health
Fresh Produce Only	YES	\$50	\$10	YES	YES	NO	NO	NO
Fresh Produce & Value Added Products	YES	\$50	\$10	YES	YES	YES: \$87.00 from City of Tuscaloosa Revenue Dept. PS Sched. D 453998	YES: \$TBD Determined by Tuscaloosa County License Commission	ASK Market Manager – Exemptions Apply
Value Added & Artisan	YES	\$50	\$10	NO	YES	YES: \$87.00 from City of Tuscaloosa Revenue Dept. PS Sched. D 453998	YES: \$TBD Determined by Tuscaloosa County License Commission	ASK Market Manager – Exemptions Apply
Prepared Food & Food Trucks	YES	\$50	\$10	NO	YES	YES: \$TBD Determined by City of Tuscaloosa Revenue Dept.	YES: \$TBD Determined by Tuscaloosa County License Commission	YES – ADPH Exemption Letter or Food Permit REQUIRED

FARM VISITS

The Market Manager, Market Advisory Committee or their representative(s) or the Alabama Farmers Market Authority reserves the right to inspect any producer's farm to ensure compliance with market rules and regulations. The primary purpose of a farm or vendor business inspection will be to determine whether the producer is in fact producing all that they are selling at the market. Upon notification, producer must make all production areas available within three (3) days. Refusal to allow inspection is grounds for indefinite suspension. A decision regarding the inspection must be rendered six (6) days from completion of inspection, to be delivered in writing. Any producer found to be in violation of this rule will be immediately expelled from the Market without refund of any fees. The Market Manager, Market Advisory Committee or their representative(s) likewise reserve the right to inspect any vendor's home, shop or other venue where the vendor makes items or products, including crafts, to sell at the Market. The primary purpose of such inspections will be to determine whether the vendor is in fact producing all that they are selling at the market rather than engaging in the resale of items purchased by the vendor. The notification inspection and decision processes as applied to farm inspections shall likewise apply to any vendor inspection.

WEEKLY ATTENDANCE – RSVP SYSTEM

Email will be the primary form of communication with vendors regarding attendance. If a vendor is unable to check-in via email then they must notify the Market Manager at least 3 days prior to market day by calling the River Market at 205-248-5295 to confirm attendance. Should a vendor originally indicate that they will attend, but have a change of plans, they must notify the market of the change by calling 205-248-5295 or emailing rivermarket@tuscaloosa.com to notify the Market Manager if the vendor will not be in attendance. Failing to notify the market of non-attendance may result in still being charged the \$10 weekly stall fee and possible loss of spot.

ARRIVAL & DEPARTURE ON SATURDAYS

At the beginning of each market day, vendors will check in with the Market Manager. Vendors assigned to garage door bay spots should arrive between 5:45 am and 6:15 am. Center bay vendors should arrive between 6:30 a.m. and 6:45 a.m. Vendors must be set up and ready to sell upon the opening of the Market at 7:00 am. If the Vendor is not present by set arrival time, the assigned stall may be given to another Vendor. No product may be sold, distributed or bagged by patron until opening time at 7 am. Violations of this policy may result in loss of assigned stall on the day of the violation at the Market Manager's discretion.

Due to hazardous fumes and safety precautions, all vendors and their vehicles will be required to remain until closing of the Market at 12 pm even if they have sold all their goods. Any exception to this policy must be approved in advance by the Market Manager.

SPACE AND TABLE ASSIGNMENTS

Stall assignments will be made in advance of the market day. All attempts shall be made to honor the stall assignments that are given, however any stall assignment may be changed without notice at the discretion of the Market Manager at the time of load-in on Saturday morning.

Only vendors in stalls 1-21 & 41-53 will be allowed to sell from their vehicles, all others will be required to park their vehicles off site. If you are not parking inside the market you are required to park your car away from the first 50 spots in the parking lot. This is to allow our customers optimal access.

Vendors are required to abide by all [Municipal Codes](#) regarding fire code and public safety. ADA walkway requirements will be enforced. Vehicles parked on the River Side of the building may NOT pull past the yellow hash marks on the Riverwalk to ensure that a 5ft. ADA walkway is passable.

Vendors will be licensed to sell from only one vehicle and must occupy only one space as assigned by the Market Manager. Displays must be confined to the assigned space. If the vendor is using a trailer to display and sell goods, the towing vehicle may have to be disconnected and moved out of the area. If a vehicle or display is obstructing pedestrian traffic or access to a fire code lit exit, or judged to be a safety hazard, it must be moved.

In the event that temperatures are at or below 40F degrees, the market manager may require special parking provisions. On these occasions, every effort will be made to allow all vendors that have properly reserved space

in advance to sell, will be able to do so from inside the building. All regular stall assignments are subject to change during these occasions. Trucks on the Riverside will be parked inside the building. Trucks on the JWP Street Side of the building will pull through the garage door, unload and park outside of the building in a way that will allow the garage doors to remain closed.

All vendors must show proof of current automobile insurance for on-site vehicles, and provide the Market with a copy of the current policy, which will be kept on file. Vendors are also encouraged to obtain product liability insurance, if not already required by permit or license.

Access to electrical outlets for vendors located inside the River Market will be limited to ONE outlet receptacle per vendor as outlets are available. Access to electricity is not promised or guaranteed for any vendor.

Please be advised that the River Market will provide vendors with either a table or a product display as supply allows. *Vendors that plan on being outside should supply their own 10x10 Pop-up Tent.* However, each vendor is responsible for setting up and striking the equipment that he/she uses, as well as returning the used equipment to market staff in the condition in which it was lent out.

Vendors will be solely responsible at all times for the cleanliness within their vending area regardless of the origin of the debris in that location. Each vendor is required to leave the space clean at the end of the day. Vendors must pick up all loose produce and sweep, if necessary, their space before they check out. The Market Manager has the discretion to assess a \$10.00 fee to any vendor leaving their market area in an unacceptable condition.

GENERAL RULES

Each vendor may set their own prices.

Retail sales taxes and Business and Occupation taxes are the responsibility of the individual vendor.

Tobacco products and smoking at the River Market is prohibited. The Tuscaloosa River Market is a non-smoking municipality facility pursuant to Sec. 13-93 (a) (4) Chapter 13 Article VI of the Tuscaloosa City Code.

The Alabama Farmers Market Authority prohibits the sale of live animals at the Market. Live animals including pets should not be brought to the market for any reason without advanced written permission from the market manager.

Inappropriate language or behavior, profanity, or other harassment or abuse by a member or participant toward another member or participant, employee, or customer of the Market is grounds for *immediate and permanent expulsion from the Market*.

The use of radios and television sets are not permitted on Market premises without the permission and at the direction of the Market Manager.

The Market Manager and/or her designee will have the full power to enforce all rules and regulations within the market area. Failure by any vendor to comply with any of these rules and regulations can result in the forfeiture of the right to do business of any kind in the market for a length of time determined by the the Market Manager or the Manager of Arts and Entertainment and if need be, escorted by legal authority off premises.

NON-VENDOR INFORMATION TABLE

As a service to the citizens of Tuscaloosa, the Farmers Market will allow one non-vendor organization to host an information table at each Farmers Market. Reservations for this table are available to an organization for ONE Tuesday and ONE Saturday per calendar year (space permitting). Advance reservation and permission to participate is required. Email rivermarket@tuscaloosa.com to request a date. Permission will or will not be granted in writing via email from the Market Manager. Organization representatives should arrive at 6:45 am and report to the Market Manager on their reserved date and agree to provide representatives at the table until 12 noon.

The Market Manager has the authority to decide which organizations are approved to participate. The purpose of this table will solely be to distribute information about the organization to the public. Representatives may engage with and educate the public on the services provided by the organization. Organizations are encouraged to provide a hands-on activity for citizens to engage with (example, children's art project related to the organization or farmers market or a game).

Solicitation for political campaigns, products, services, or charitable contributions not specifically addressed as a Market commodity is not permitted. Violations should be reported to the Market Manager. Solicitors will be asked to leave the Market immediately.

GRIEVANCE POLICY

The Market Manager has the right to impose disciplinary action at the Market site. Any grievance regarding vendors should not be directed to the vendor in question. The initial grievance should be reported to the Market Manager, who will bring it to the attention of the Tuscaloosa River Market Operations Manager and the Market Advisory Committee. The Tuscaloosa River Market Supervisor and the Market Advisory Committee will determine if a special meeting needs to be called to settle the grievance.

In the event of patron dissatisfaction, the dispute must be resolved to the satisfaction of the patron and Market Manager in a timely manner. Failure to do so will result in the vendor's removal from the Market.

The Market Manager has the authority to grant exceptions to the market policies on an individual basis for reasons of dire need and will have the full power to enforce all rules and regulations within the Market area. Fraudulent, dishonest, or deceptive merchandising, disruptive behavior, or collusion to set prices among vendors may be grounds for forfeiture of the right to do business of any kind in the Market. Failure by any vendor to comply with any of these rules and regulations can result in the forfeiture of the right to do business of any kind in the market for a length of time determined by the Market Manager or the Tuscaloosa River Market Operations Manager. Should any vendor, at any time, occupy the premises in a manner contrary to this agreement, upon request of Market Manager, the vendor shall immediately cease such offending conduct. Failure to immediately comply as requested shall be cause for the expulsion from the market. Upon expulsion the vendor shall promptly vacate premises. Upon failure to vacate, the Market Manager may have removed all property of vendor from the premises at vendor's expense. The Market Manager, River Market and City of Tuscaloosa is relieved and discharged from any all / loss or damage caused by such removal. The Market shall not be responsible for storage or safekeeping of property so removed.

ALABAMA DEPARTMENT OF AGRICULTURE AND INDUSTRIES
FARMERS MARKET AUTHORITY
ADMINISTRATIVE CODE

CHAPTER 80-7-1
RULES FOR CERTIFICATION OF STATE FARMERS MARKETS

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80-7-1-.01	<u>Purpose.</u>

(1) The Alabama Farmers Market Authority serves to promote the sale of Alabama-grown farm products by giving local farmers the chance to sell food they raise directly to consumers and allowing consumers to buy fresh food from the farmers who raise it. The Alabama Department of Agriculture and Industries', Farmers Market Authority accomplishes this purpose by providing local farmers markets the opportunity to become Certified State Farmers Markets, thus giving consumers confidence that they are buying only fresh, locally raised produce.

(2) The "Alabama Certified Farmers Market Program" is created to promote and identify a market place for Alabama grown fruits, vegetables, plants, and other products made and/or processed in Alabama.

(3) The primary objectives of an "Alabama Certified Farmers Market" is to offer a diverse product selection, attract

a large and repeating customer base, and afford farmers a profitable location to sell produce and other goods.

(4) Factors that define the term "Farmers Market" and distinguish farmers markets from road-side stands, grocery stores and from other types of food marketing outlets, include: farmers selling produce and food items they grow and produce to individual customers at a temporary or permanent location, often located on public property, such as a common public area or parking lot on a periodic basis, typically once or twice a week for a set period of time, usually 3 or 4 hours. This happens during the local growing season, usually 5 or 6 months.

(5) Depending on the farmers markets, a wide variety of products are available. Poultry, pork, fish, shellfish, lamb, beef, eggs, milk, cream, butter, cheese, honey, syrup, jams, jellies, sauces, mushrooms, flowers, breads, and pastries are some examples of vendor produced products sold at farmers markets in addition to fruits and vegetables.

Authors: Don Wambles, Patrick B. Moody

Statutory Authority: Code of Ala. 1975, §§2-5A-1 et. seq.

History: New Rule: Filed February 12, 2014; effective March 19, 2014.

80-7-1-.02 Definitions.

(1) As used in this Chapter, the following words shall have the meaning stated below:

(a) Agricultural Production and Practice of the Agricultural Arts -- To be involved in and make decisions regarding all phases of producing an agricultural product, which includes, but is not limited to, planting, growing, fertilizing, irrigating, cultivating, pest control, and harvesting.

(b) Alcoholic Beverages - AL code §28-3-1 Any alcoholic, spirituous, vinous, fermented or other alcoholic beverage, or combination of liquors and mixed liquor, a part of which is spirituous, vinous, fermented or otherwise alcoholic, and all drinks or drinkable liquids, preparations or mixtures intended for beverage purposes, which contain one-half of one percent or more of alcohol by volume, and shall include liquor, beer and wine.

(c) Authority - "Authority" refers to the "Farmers Market Authority" as provided in Alabama Code § 2-5A-1, et seq.

(d) Certified Farmers Market - A market certified by the Authority where agricultural products are sold by producers directly to consumers. The Authority shall issue a certificate to all farmers markets that apply for a certificate, and meet the criteria set forth by the Authority. A Certified Farmers Market may be operated by two or more producers, by a nonprofit organization, by a local government entity or other organization/entity approved by the Authority.

(e) Certified Agricultural Products -- Agricultural products, which are certified under the jurisdiction of the Authority relative to inspection and verification of compliance with the provisions of this Chapter, include fresh fruits, nuts, vegetables, shell eggs, honey, flowers, nursery stock, livestock products, fish and shellfish produced under controlled conditions in waters or ponds located in Alabama.

(f) Certified Farmers Market Certificate - A certificate issued by the Authority verifying the market sells only agricultural products produced by local farmers directly to consumers. The certificate is valid only when bearing the original signatures of the Authority and the authorized representative of the Certified Farmers Market.

(g) Commissioner - The person elected as the head of the Department of Agriculture and Industries.

(h) Consumer -- A person who purchases and receives agricultural products at a Certified Farmers Market.

(i) Director - A person appointed by the Commissioner who, under supervision of the Commissioner, serves as director of the Farmers Market Authority and administers this Chapter.

(j) Employee -- Any person employed by a farmer at a regular salary or wage, on either a full or part time basis. It does not include any person who is reselling or whose compensation is primarily based on a commission of sales. Notwithstanding the above, an employee of an agricultural cooperative organized under the laws of Alabama may sell the agricultural products of one of its members in accordance with the provisions of this Chapter.

(k) Enforcement Officer - An agent of the Department of Agriculture and Industries authorized to investigate the entities certified under these rules and regulations in order to ensure compliance with these rules and regulations.

(l) Grower representative - The immediate family member or employee of a farmer.

(m) Immediate Family -- Parents, children, grandparents, or grandchildren of the farmer or a family member regularly residing in the farmer's household.

(n) Land Which the Farmer Controls -- Land that the farmer farms and owns, rents, leases, or sharecrops, and is registered with the Authority and the Alabama Cooperative Extension System or the USDA Farm Service Agency.

(o) Locally grown - Agricultural products grown within the borders of Alabama or within twenty-five (25) miles of the Alabama state border.

(p) Market Manager -- A person or persons registered with the Authority empowered to implement the rules, regulations, policies, and directives of the governing body of a Certified Farmers Market.

(q) Market Rules -- A set of written rules or regulations approved by each Certified Farmers Market and the Authority. The rules and regulations may be more stringent than established state regulations, provided they do not violate or conflict with any state law or regulation governing their activities.

(r) Non-certifiable Agricultural Products - Non-certifiable agricultural products include all certified agricultural products that have been processed.

(s) Nonprofit Organization -- An organization which qualifies for nonprofit status for Alabama income tax purposes.

(t) Relish -- a cooked, uncooked or pickled sauce usually made with vegetables or fruits and often used as a condiment; can be smooth or chunky, sweet or savory and hot or mild, and must have an acidity level less than 4.6pH.

Authors: Don Wambles, Patrick B. Moody

Statutory Authority: Code of Ala. 1975, §§2-5A-1 et. seq.

History: **New Rule:** Filed February 12, 2014; effective March 19, 2014. **Amended:** Filed May 17, 2016; effective July 1, 2016.

80-7-1-.03 **Certification Requirements Of A Certified Farmers Market.**

(a) A person or entity may apply to be a Certified Farmers Market by completing a Certified Farmers Market Application and submitting it to the Authority. The application shall be on a form authorized by the Director.

(b) Application to become a Certified Farmers Market shall be made by the proposed operator(s) of a Certified Farmers Market and shall include a signed agreement by the operator(s) to comply with the terms of the Authority's Rules and Regulations.

(c) Upon receipt and approval of the Certified Farmers Market Application, the Authority shall issue a Certified Farmers Market Certificate. The certificate shall identify where the market is located and indicate that the marketplace is a Certified Farmers Market where agricultural products may be sold or offered for sale.

(d) The governing body of a Certified Farmers Market shall promulgate a set of market rules and regulations which specify procedural criteria pertaining to the following:

1. Establish the identity of the persons or entities that govern the market and the philosophy and purpose of the market.
2. Establish the identity and duties of the Market Manager.
3. Establish rules for participating in the market.
4. Establish who may participate in the market and what may be sold at the market. The number of non-food vendors may not exceed 30% of the total vendors. Arts and crafts are not permitted for sale at the market unless they have received prior approval by the Market Steering Committee/Board. Items purchased for resale, as well as items made from kits, commercially

available plans and items that are mechanically mass-produced may not be sold at the market.

5. Establish the process for selecting vendors and establishing fees. Establish market space allocation procedures including priorities, preferences, and stall fees.

6. Identify all documents and licenses required to participate including: proof of insurance, grower's permits/certificates and/or business licenses. Attach a copy of all documents to the final version of your market's rules.

7. Establish detailed guidelines on issues such as market location, day(s) and hours of operation set-up, clean-up, selling times, notification for non-attendance, pets, samples, sanitation, signage, smoking, food safety and food handling.

8. Establish procedures for rule enforcement, including reporting violations, notice, penalties, suspension or removal and appeals.

9. Incorporate applicable State and Local requirements into your market's rules, with agreement that it is vendor's responsibility to comply.

10. The sale of live animals is not allowed at the market.

11. Wine is prohibited for distribution and/or retailing at farmers markets in the State of Alabama. Alcohol, i.e. beer, whisky, etc., is prohibited for sale at farmers markets.

12. Establish the method by which the vendor agrees to indemnify and hold harmless the market organizer from any liability arising from the vendor's participation in the market.

13. Establish rules for handling and storing different types of foods with guidelines for sampling if allowed. It is the responsibility of each vendor to abide by all state and federal regulations which govern the production, harvest, preparation, preservation, labeling, or safety of products offered for sale at the market. All vendors regardless of product must meet the health requirements that prevent food borne illnesses. No cooking is permitted within the market area without prior approval.

(f) The Certified Farmers Market's rules and regulations shall contain a clause, which states that the governing body and its designated agents shall implement and enforce all rules and regulations pertaining to the operation of the Certified Farmers Market in a fair and equitable manner.

(g) A copy of the Certified Farmers Market rules and regulations and any updates shall be sent to the Authority. The Authority's copy shall govern the Certified Farmers Market.

(h) In order to be recognized by the Authority as a Certified Farmers Market the criteria and/or rules as set out in Chapter 80-7-1-.04 must be met. (This does not prohibit a market from imposing more stringent requirements on its sellers.)

Authors: Don Wambles, Patrick B. Moody

Statutory Authority: Code of Ala. 1975, §2-5A-8

History: New Rule: Filed February 12, 2014; effective March 19, 2014.

80-7-1-.04 **Criteria And Rules For A Certified Farmers Market.**

(1) General Criteria for an Alabama Certified Farmers Market

(a) "Alabama Certified Farmers Market" means a place, structure or building that is used by two or more Alabama Farmers for the direct sale of their own on-farm produce and/or food products to consumers, and where sales of these farm products represent the core business of the market.

1. A grower/producer is a person(s) that grows or produces agricultural products. At least 80% of the agricultural product grown and offered for sale must be produced by the grower/producer or under the grower/producer's direction. The grower must verify in writing with the market manager and the Farmers Market Authority the name, location and contact information from whom the other 20% of locally grown products brought to market originate if this is permissible and clearly defined in the market's rules.

2. A grower or grower representative must be present during market hours when his/her products are offered for purchase.

(b) The market may be operated by an association, non-profit organization, government entity (state, county, municipal, tribal, etc.) or other organization/entity approved by the Authority.

(c) Markets can allow the sale of non-food products (arts and crafts) and other value-added products (soaps, lotions, etc.) at the market's discretion as long as the number of non-food vendors does not exceed 30% of the total vendors.

1. All products that may be potentially hazardous must be permitted by the appropriate agency or in compliance with all city, county, state and federal laws and regulations.

(d) The market must be organized pursuant to Code of Ala. 1975, Sections 2-5A-1 et seq. and comply with Chapter 80-7-1 of the Alabama Department of Agriculture and Industries Administrative Code.

(2) Rules Requirement for Farmers Markets

(a) Certified Farmers Markets shall have a clear and organized set of rules that are enforced by a manager, who answers to either a board or steering committee. Market rules should be simple and easy to understand. Certified Farmers Markets shall adopt the minimum rules as set forth in Appendix A.

(b) Market rules should contain the following:

1. A description of the market governance and market manager responsibilities;

2. Rules for general operations such as hours/days of market, parking policies, and health and safety policies;

3. Rules enforcement procedures, including penalties for failure to comply and a grievance procedure;

4. Policies for who can sell at the market and how the market will approve vendors;

5. Guidelines for what products can be sold, the use of equipment, the presentation of displays, and the use of scales;

6. Vendor fees and space assignment policies;

7. How the market will ensure and enforce compliance;
8. Rules that are unique to the market such as a waiting list policy or special events;
9. The market management/governance may conduct farm visits;
10. Standards of vendor behavior;
11. All contact information;
- (c) All eligible producers must have a growers permit.

(d) In addition to the above, a Certified Farmers Market's rules must, at a minimum, adhere to the following guidelines as set out in (3) - (10) of this chapter.

(3) Home Processed

(a) Home Processed products are subject to sales tax. See Code of Ala. 1975, §40-23-4(a) (5) and §40-23-62(8).

(b) Home processed products must satisfy all public health, labeling, permitting and other requirements pertaining to processed products. Chapter 420-3-22-.01 of the Rules of Food Establishment Sanitation now excludes a kitchen in a private home from the definition of food establishment if only food that is non potentially hazardous (time or temperature control required for safety) is prepared for sale or service at a function such as a charitable, religious, civic, or not-for-profit organization's food sale, or at state sanctioned Farmers Markets, and if the consumer is informed by a clearly visible label, tag, or placard at the sales or service location that the food is prepared in a kitchen that is not inspected by a regulatory agency, i.e. County or State Health Department.

(c) Label, Tag or Placard must conform to the size and form of the label below, and be placed at the top of the product that is to be sold.

This item(s) was prepared in a kitchen that is NOT inspected by a regulatory agency.
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(d) This effectively excludes farmers markets from regulatory requirements of the ADPH regarding non-potentially hazardous home processed foods. Certain home processed foods for example baked breads, rolls, cookies, cakes, brownies, fudge, double-crust fruit pies, traditional fruit jams, jellies, marmalades and relishes, candy, spices or herbs, snack items such as popcorn, caramel corn and peanut brittle, may be sold at farmers markets with appropriate labeling. The label of a food in packaged form shall specify conspicuously the name and place of business of the manufacturer, packer, or distributor.

(e) The acidity of foods is measured by pH. The range of pH is commonly considered to extend from zero to 14. A pH value of 7 is neutral, because pure water has a pH value of exactly 7. Values less than 7 are considered acidic, while those greater than 7 are considered basic or alkaline. Acidic foods are usually tart and sour, all fruits are acidic: tomato, lemon, peach, apple, etc. The FDA rule for acid foods states that a food must have a pH below 4.6 to be sold as a minimally processed food. The reason for this is bacteria do not grow at this level of acidity.

(f) This exclusion shall not be construed as allowing the sale of low acid foods (pH >4.6) in hermetically sealed containers (i.e. such as home-canned green beans, peas, tomato relish, salsa, etc.) when such food is not prepared in a permitted establishment. The finish product will need to be tested, if the ph level is unknown.

(g) Food Product Testing Requirements:

1. A small sample (at least 1 cup) of the product is required. The cost is approximately \$40.00 per sample. Checks may be made payable to: Alabama Cooperative Extension System or ACES. The sample should be carefully and safely packaged and mailed/sent to:

Regional Extension Agent
Alabama Cooperative Extension
221 Poultry Science Building
260 Lem Morrison Dr.
Auburn University, AL 36849
Alabama Cooperative Extension System
Food Product Testing Services

2. The product must include the following information: Contact Person, Mailing Address, City/State/Zip, Phone/Fax, Email, Product Name

(4) Sampling/ Food Safety

(a) All vendors, regardless of product, must meet the health requirements that prevent food borne illnesses. The standard requirements and recommendations for preparation and sampling at the Certified Farmers Market are:

1. Preparation of fruit and vegetable samples requiring cutting or slicing should be done on-site immediately prior to consumption.

2. No home prepared food samples shall be served at the market.

3. Clean knives and cutting boards must be placed in protective plastic containers, food storage bags, wrapped in plastic wrap, etc.

4. Clean equipment must be used to cut product, in-use items must be stored so they are protected from contamination.

5. Replace soiled knives, cutting boards, etc. with clean items every two hours.

6. Use single service items whenever possible.

7. Store soiled items in a closed bag or container to avoid attracting insects.

8. All fruits and vegetables must be rinsed thoroughly in clean water.

9. Products may be rinsed or cleaned prior to bringing them to the market. The items should be stored in disposable food bags.

10. Rinse melons in a 200 parts per million chlorine solution prior to slicing for sampling.

11. Fruit and vegetable sample servings must be protected from contamination at all times.

12. Serving must be done in a manner protecting the sample from any bare hand contact.

13. Utilize disposable gloves, single service utensils, napkins or tissues, or toothpicks are all adequate methods to avoid handling prepared samples.

14. Any ice used for cooling must be continuously and properly drained to avoid wrapped items soaking in melted ice water.

15. Canned items (i.e., jelly, salsa, etc.) may be opened one jar at a time and sampled with clean disposable utensils.

16. Use toothpicks, wax paper, paper sampling cups, or disposable utensils to distribute samples.

17. Temperature control must be maintained on items needing refrigeration after opening.

(b) The County Environmentalist may have specific additional requirements depending on the food to be prepared and served, the general location of the event or food concession area, the availability of city water and sewage, and other local considerations. The Rules of the State Board of Health require that a permit to operate a temporary food booth be obtained prior to any prepared food being sold.

(5) Meat Products

(a) Live animals are prohibited for sale at farmers markets in Alabama.

(b) Only raw meats, including fish and seafood, that are processed, packaged, and labeled at an inspected facility or are otherwise exempted from inspection may be sold at a farmers market. Exempted meats: rabbits, quail and bison.

(c) Beef, pork, poultry and lamb products sold at farmers markets must originate from livestock slaughtered in a government (federal or state) inspected facility.

(d) All meat and poultry products must be wrapped and labeled with the seal of inspection on package. USDA publication "Guidance for Determining Whether a Poultry Slaughter or Processing Operation is Exempt from Inspection

Requirements of the Poultry Products Inspection Act Revision 1, April 2006," provides detailed information on the requirements for the sale of poultry at markets.

(e) Meat products, other than fish and shellfish, must be brought to the market in frozen condition and kept frozen until sold. Selling packaged meat at the Farmers market requires sanitary handling and temperature control. A mechanical unit capable of maintaining the meat and poultry products in the frozen state is recommended to be used. For example, a freezer could be used.

(f) Fish and shellfish products may be sold fresh if maintained at a temperature of 37°F to 41°F.

(g) Meat at farmers markets being sold by resellers will include a "Distributed by/Packed for", or similar, statement on the labels of their meat products. Conversely, meat products being sold at Farmers markets that are prepared and packaged by the selling vendor will not include a "Distributed by/Packed for", or similar, statement.

(6) Wine/Alcohol/Controlled Substances

(a) Alcoholic beverages as defined in Alabama Code Sec. 28-3-1 are prohibited for sales or distribution at farmers markets

(b) Proof of alcoholic content is the responsibility of the vendor

(c) Controlled substances are prohibited for sale at farmers markets.

(7) Insurance

(a) Each Certified Farmers Market shall acquire, and show proof of liability insurance.

(8) Proper Weights and Measurement

(a) All farmers markets must meet the legal measurement guidelines established by the State of Alabama for dry and wet produce. Produce may be sold by weight, measure or count depending on the commodity. Selling by weight or measure involves legally defined weights and measures. A quart is a legal dry quart or legal liquid quart, not necessarily a quart

basket filled past the rim of the basket. A pound is a legal pound, as judged by specially calibrated weights certified by the National Institute of Standards and Technology.

(b) Not all scales are eligible for farmers market usage. Those scales stamped, "Not legal for use in trade" on them, cannot be used to measure product for sell at markets. Examples of scales not to be used are: bathroom, baby, restaurant portion scales, postal, and kitchen utility scales.

(c) When selling by measure, a standard dry pint or dry quart container is actually measured by the cubic inches it contains, not the shape. An accurate measure would be when the container is filled and struck level across the top sides of the container. When purchasing containers, be certain they meet the legal definition of pints, quarts, pecks, etc.

(d) Just as water weight can be lost after harvest, volume can decrease as well. Some settling also can occur in transit. The content must be level to the top of the container at the time of sale. It is recommended seller overfill containers to allow for these factors.

(e) When selling by liquid such as cider, the exact amount in the container has to be measured to achieve the correct cubic inch, fluid amount. When selling bakery products, items must have stated weight on packaging or identified so the consumer may make an informed purchase.

(f) Scales being used in commerce shall be tested at least once each fiscal year based on the fiscal year adopted by the State of Alabama which runs from October 1st through September 30th.

(9) Dairy Products

(a) All dairy products, including cheese, must be processed, packaged, and labeled at a facility permitted and inspected by the Alabama Department of Public Health's Milk and Food Processing Branch. Product must have the proper labeling vendor contact information or have information posted so consumer will know who to contact if necessary.

(b) Sale of raw milk for human consumption is not legal and cannot be sold at markets.

(10) Shell Eggs

(a) Shell eggs are considered farm products and may be sold at farmers markets with proper labeling information on package. Information required is: name and address of egg packer, date eggs were packed, and grade. Carton or egg container and egg product itself must be sanitized and free from fecal matter and other farm filth.

Egg Weights

	Dozen Carton	Dozen Carton	1.5 Dozen Carton	2.5 Dozen Sleeve
Pee Wee	15 oz	.94 lbs	1.41 lbs	2.34 lbs
Small	18 oz	1.13 lbs	1.69 lbs	2.81 lbs
Medium	21 oz	1.31 lbs	1.97 lbs	3.28 lbs
Large	24 oz	1.50 lbs	2.25 lbs	3.75 lbs
Ex-Large	27 oz	1.69 lbs	2.53 lbs	4.22 lbs
Jumbo	30 oz	1.88 lbs	2.81 lbs	4.69 lbs

(b) There are three consumer grades for eggs: U.S. Grade AA, A, and B. The grade is determined by the interior quality of the egg and the appearance and condition of the egg shell. Eggs of any quality grade may differ in weight (size).

(c) U.S. Grade AA eggs have whites that are thick and firm; yolks that are high, round, and practically free from defects; and clean, unbroken shells. Grade AA and Grade A eggs are best for frying and poaching where appearance is important.



(d) U.S. Grade A eggs have characteristics of Grade AA eggs except that the whites are "reasonably" firm. This is the quality most often sold in stores.

(e) U.S. Grade B eggs have whites that may be thinner and yolks that may be wider and flatter than eggs of higher grades. The shells must be unbroken, but may show slight stains. This quality is seldom found in retail stores because they are usually used to make liquid, frozen, and dried egg products.

(f) Egg Label Example:

Grade A	Large
John Doe 12345 Sullivan St Montgomery, AL 36130 Packaged- 06/17/2011	

Authors: Don Wambles, Patrick B. Moody
Statutory Authority: Code of Ala. 1975, §2-5A-8.
History: New Rule: Filed February 12, 2014; effective March 19, 2014. **Amended:** Filed May 17, 2016; effective July 1, 2016.

80-7-1-.05 Issuance Of Certificates.

(1) The Authority shall issue a Certified Farmers Market certificate upon review of application and determination that the applicant meets the requirements to operate a Certified Farmers Market.

(2) A Certified Farmers Market certificate shall be valid until December 31st of the 2nd year in which the certificate is issued.

Authors: Don Wambles, Patrick B. Moody
Statutory Authority: Code of Ala. 1975, §2-5A-8.
History: New Rule: Filed February 12, 2014; effective March 19, 2014.

80-7-1-.06 Compliance Requirements For The Operator Of A Certified Farmers Market.

(1) The operator of a Certified Farmers Market shall ensure that each person participating in the sale of agricultural products in the area designated as a Certified Farmers Market:

- (a) Is a Farmer, or grower representative.
- (b) Sells only certified agricultural products.

(2) No person shall operate a Certified Farmers Market unless he or she has in his or her possession a current, valid Certified Farmers Market Certificate issued by the Authority.

(3) The operator of a Certified Farmers Market shall, upon the request of an enforcement officer, provide for review his or her current, valid Certified Farmers Market Certificate at any time during the operation of a Certified Farmers Market.

Authors: Don Wambles, Patrick B. Moody

Statutory Authority: Code of Ala. 1975, §2-5A-8.

History: New Rule: Filed February 12, 2014; effective March 19, 2014.

80-7-1-.07 **Applicability Of Rules And Regulations Regarding Farmers Market Nutrition Programs.** No provision in this Chapter shall be construed to in any way invalidate, supersede, or otherwise impair the applicability of the rules and regulations regarding either the Senior Farmers Market Nutrition Program or the WIC Farmers Market Nutrition Program.

Authors: Don Wambles, Patrick B. Moody

Statutory Authority: Code of Ala. 1975, §2-5A-8.

History: New Rule: Filed February 12, 2014; effective March 19, 2014.

80-7-1-.08 **Penalties.**

(1) All Farmers and Certified Farmers Markets are required to adhere to the rules and regulations of the Authority. The Commissioner may discipline the following for violating the Authority's rules and regulations:

(a) The Certified Farmers Market; or

(b) A family member, employee, or another Farmer acting on behalf of the Farmer; or

(c) Any other person whose actions may have resulted in the violation.

(2) The Commissioner, upon determination that a Farmer has violated the Authority's rules and regulations may:

- (a) Issue a written reprimand; or
 - (b) Suspend a license up to six months; or
 - (c) Refuse to allow farmer access to market for a period of up to 18 months.
- (3) The Commissioner, upon determination that a Certified Farmers Market has violated the Authority's rules and regulations may:

- (a) Issue a written reprimand; or
- (b) Suspend a Certified Market Certificate for up to six months; or
- (c) Revoke the Certified Market Certificate;

(4) Disciplinary actions shall be initiated by the Director of the Authority upon belief that a violation has occurred. All persons or entities certified under these rules may appeal any disciplinary action initiated by the Director.

Authors: Don Wambles, Patrick B. Moody

Statutory Authority: Code of Ala. 1975, §2-5A-8.

History: New Rule: Filed February 12, 2014; effective March 19, 2014.

80-7-1-.09 Appeals.

(1) Any person may appeal to the Commissioner for a hearing to challenge any of the following actions:

- (a) Denial of any certificate.
- (b) Revocation of any certificate.
- (c) Suspension of participation privileges.

In all cases, the appeal must be submitted to the Director in writing within 30 days of the date the action or decision was made.

Authors: Don Wambles, Patrick B. Moody

Statutory Authority: Code of Ala. 1975, §2-5A-8.

History: New Rule: Filed February 12, 2014; effective March 19, 2014.

ALABAMA DEPARTMENT OF REVENUE - SALES AND USE TAX RULES
Code of Alabama 1975, Sections 40-23-31 and 40-23-83

810-6-3-.01. Exemptions for Agricultural Products Sold by the Producer.

(1) There are two exemptions in the sales and use tax statutes relative to agricultural products sold by the producer - one is found in Sections 40-23-4(a)(5) and 40-23-62(8), Code of Alabama 1975, and the other in Section 40-23-4(a)(44). A sale of agricultural products that does not qualify for one of these exemptions may still qualify for the other.

(2) Sections 40-23-4(a)(5) and 40-23-62(8) exempt sales of products of the farm, dairy, grove, or garden from sales and use tax when the products (i) are sold by the producer, by members of the producer's immediate family, or by persons employed by the producer to assist in the production of the products and (ii) have not been processed, except to the extent that the products are customarily processed by operators of farms, dairies, groves or gardens in preparing products for market.

(a) This exemption does not apply to agricultural products sold by the producer through a store which the producer operates. (Curry v. Reeves, 240 Ala. 14, 195 So. 428)

(b) Unlike the exemption outlined in paragraph (3) below, this exemption is not limited to products that are planted, cultivated, and harvested by the producer. Examples of products that may qualify for this exemption but not the exemption in paragraph (3) include but are not limited to milk, eggs, catfish, minnows, bees, honey, rabbits, and hamsters produced on farms.

(3) Section 40-23-4(a)44 exempts fruit or other agricultural products from sales and use tax when sold by the person or corporation that planted, cultivated, and harvested the products. Unlike the exemption outlined in paragraph (2) above, this exemption is not lost to the producer who sells qualifying agricultural products through a store operated by the producer.

(4) Sales of agricultural products which otherwise qualify for one or both of the exemptions outlined in paragraphs (2) and (3) above do not lose their exempt status if the products retain their raw, unprocessed form when prepared by the producer for marketing or merchandising. An agricultural product is no longer in its raw, unprocessed form if it is cooked, boiled, roasted, or mixed or compounded with ingredients other than additional exempt agricultural products.

(a) Examples of prepared agricultural products which do not lose their exempt status when they otherwise qualify for either or both of the exemptions outlined in paragraphs (2) and (3) are:

1. raw pecans when cracked or shelled
2. raw shelled peanuts
3. raw shelled peas, beans, or butterbeans
4. raw shucked corn
5. raw washed fruits or vegetables.

(Continued)

ALABAMA DEPARTMENT OF REVENUE - SALES AND USE TAX RULES
Code of Alabama 1975, Sections 40-23-31 and 40-23-83

810-6-3-.01. (Continued)

(b) Examples of processed agricultural products which do not qualify for the exemptions outlined in paragraphs (2) and (3) above are:

1. apple cider
2. boiled or roasted peanuts
3. candy
4. cane or sorghum syrup
5. fruit pies
6. ice cream
7. jellies and jams
8. peanut butter
9. pickled peaches
10. pickles
11. roasted pecans.

(Readopted through APA effective October 1, 1982, amended May 22, 1993, amended July 30, 1998)

Vendor Concern Form

	<h3>Vendor Concern Form</h3>	1900 Jack Warner Parkway Tuscaloosa, AL 35401 205-248-5295 www.TuscaloosaRiverMarket.com rivermarket@tuscaloosa.com
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Vendors who have concerns about market operations, vendor policies, or other vendors' compliance with market rules should submit this Concern Form. Market Management will not reveal the inquiring vendor's name to anyone. Please submit this form directly to market management on the market day or within a week of the market during which the alleged violation occurred.

Date _____

Vendor Business Name _____

Your Name _____

Contact Information (phone number, email or mailing address)

Your Concern. Please use the Market Rules and Regulations to reference the rule number or policy with which you have a concern. If this is a complaint regarding a Vendor, specify Vendor's name.

Market date and approximate time at which the violation occurred (if any):

Please state the specifics of the violation of the rule. Provide any evidence that supports your concern.

Signed _____

Date _____

For Market Use Only: Date Rec'd _____ By _____	Notes:
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COTTAGE FOOD LAW

Many value-added products sold directly to the public in Alabama fall under the Cottage Food Law, which went into effect in June 2014.

Unlike home processed foods that can only be sold at farmers markets, **cottage foods may be sold from home or at local state sanctioned farmers markets.**

Cottage food cannot be sold to the following:

- Restaurants
- Grocery stores
- Novelty shops
- Over the internet

The only foods that can be sold directly to the consumer under the Cottage Food Law:

- Baked goods
- Cakes
- Cookies
- Pastries
- Doughnuts
- Danish
- Breads
- Candies
- Jam & jellies
- Dried herbs
- Dried herb mixes

Foods that cannot be sold directly to the consumer:

- Baked goods with an ingredient that requires refrigeration
 - Custard pies, Danish with cream filling, Cakes with a whipped topping
- Juices from fruits and vegetables
- Milk products
- Soft or hard cheeses
- Pickles
- Barbeque sauces
- Canned fruits or vegetables
- Garlic in oil
- Meats in any form
- Low-acid or acidified foods
- Heat-processed canned foods

COTTAGE FOOD LAW

The Cottage Food Law requires the following on labels:

- The product name
- Name of the individuals or business
- Address of the individual or business
- Statement: THIS FOOD IS NOT INSPECTED BY THE DEPARTMENT OF PUBLIC HEALTH

Labels may need to be submitted to the local health department for approval prior to selling.

FOOD SAFETY COURSE

- Food businesses or the person operating a food business under the Cottage Food Law must attend and pass a food safety course approved by the Alabama Department of Public Health.
- Certifications must be renewed every 5 years.
- The Alabama Cooperative Extension System offers a course tailored for cottage food entrepreneurs.
- Participants are taught food safety, with particular focus on foods prepared at home, and receive a certificate upon completion that ensures individuals are in compliance with the Cottage Food Law.

A note about sales: Food sales under the Cottage Food Law cannot exceed \$20,000 per year and are subject to state, county and city sales taxes. Businesses are also responsible for paying state and federal taxes on income earned through food sales.

Alabama Department of Agriculture and Industries

Rick Pate
Commissioner

HOME PROCESSED PRODUCTS & COTTAGE FOOD LAW



Farmers Market Authority

Richard Beard Building
1445 Federal Drive
Montgomery, Alabama 36107

Phone: 334-240-7247

Toll Free: 877-774-9519

Email: fma@agi.alabama.gov

Website: www.fma.alabama.gov

HOME PROCESSED PRODUCTS

Home Processed products must satisfy all public health, labeling, permitting & other requirements pertaining to processed products and **can only be sold at state sanctioned farmers markets.**

- Since 2009, Chapter 420-3-22.01 of the Rules of Food Establishment Sanitation excludes a kitchen in a private home from the definition of food establishment only if food that is non potentially hazardous (time or temperature control required) is prepared for sale or service only at **state sanctioned** Farmers Markets.
- Home Processed products are subject to sales tax.

LABELING

The consumer must be informed by a clearly visible label, tag, or placard at the sales or service location that the food is prepared in a kitchen that is not inspected by a regulatory agency, i.e. County or State Health Department.

- Label or tag must conform to the size and form of the label below and placed on the product or a placard may be displayed in front of the product that is to be sold.

This item(s) was prepared in a kitchen that is NOT inspected by a regulatory agency.

- Chapter 420-3-22-.01 effectively excludes farmers markets from regulatory requirements of the ADPH regarding non-potentially hazardous home processed foods.
- The label of a food in a packaged form shall specify conspicuously the name and place of business of the manufacturer, packer, or distributor.

WHICH HOME PROCESSED PRODUCTS

CAN AND CANNOT BE SOLD AT

A FARMERS MARKET?

What kind of food can I make at home and sell at a farmers market?

Home processed foods, with the exception of low acid foods, that do not have to be time or temperature controlled for safety can be prepared in a kitchen in a private home and may be sold at **state sanctioned** Farmers Markets with appropriate labeling.

Examples include:

- Baked breads
- Rolls
- Baked goods
- Cookies
- Cakes
- Brownies
- Fudge
- Double-crust fruit pies
- Traditional fruit jams
- Jellies
- Marmalades
- Pickles
- Relishes
- Candy
- Spices
- Herbs
- Snack items such as popcorn, caramel corn and peanut brittle

What foods cannot be made in a home kitchen and sold at a farmers market?

Low acid foods that would need to be refrigerated or otherwise be held under temperature control cannot be offered for sale. Note: Montgomery and Calhoun counties are exempted from this requirement by state statute.

- Examples include: canned vegetables, slaws, stews, soups, sauces and any foods containing meat or other potentially hazardous ingredients

ACIDITY AND pH LEVELS

The acidity of foods is measured by pH.

- The range of pH is commonly considered to extend from zero to 14. A pH value of 7 is neutral because pure water has a pH value of exactly 7. Values less than 7 are considered acidic, while those greater than 7 are considered basic or alkaline.
- All fruits are acidic foods and are usually tart and sour. Ex: tomato, lemon, peach, apple, etc.
- The FDA rule for acidic foods states that a food must have a pH below 4.6 to be sold as a minimally processed food.
- The reason for this is bacteria does not grow at this level of acidity.
- The exclusion shall not be construed as allowing the sale of low acid foods (pH > 4.6) in hermetically sealed containers (i.e. home-canned green beans, peas, tomato relish, etc.) when such food is not prepared in a permitted establishment.

FOOD PRODUCT TESTING

REQUIREMENTS

- If the pH level is unknown, the finished product will need to be tested at an independent certified food testing laboratory or the laboratory operated by The Alabama Cooperative Extension System at Auburn University.
- A small sample (at least 1 cup) of each product is required. The product must include the following information: Contact Name, Mailing Address, City/State/Zip, Phone/Fax, Email, Product Name