



AGENCY OF AGRICULTURE, FOOD & MARKETS

Overview of Regulations Covering Products Commonly Sold in Vermont Farmers' Markets

This checklist summarizes the main regulations covering products that are frequently sold at farmers' markets. This list is not comprehensive, as producers may be subject to additional requirements and regulations required to keep their licenses and registrations current. If you have additional questions regarding regulations for vendors, please contact the State of Vermont agency or department listed below each section.

Dairy Products

Vendors selling dairy products must be licensed through the Vermont Agency of Agriculture, Food and Markets.

Licenses that may be required:

- Milk Handler's License – required for anyone selling dairy products they produce (except for raw milk, as described below)
- Retail milk license- required to sell prepackaged fluid product and product must be kept below 45°F.
- Frozen dessert license or milk handler license- required to vend ice cream and other frozen dairy products they produce. This license is not required to sell frozen desserts made by other licensed dealers such as pre-packaged novelties or scooping hard ice cream.

General Dairy Sales Regulations:

- A current Milk Handler's License is required for any vendor selling dairy product that they produce.
- Dairy products for sale must be stored below 45°F. Portions of cheese left out for sampling are acceptable.
- Dairy products must be protected from overhead contamination and kept free from flies and other sanitation issues.

Information specific to the sale of frozen desserts:

Vendors scooping ice cream or other frozen desserts into cones, cups or bowls must use a method to ensure that the scoop and their hand remain clean throughout the service period.

Information specific to the sale of raw milk:

Raw milk can be delivered at a farmers' market if the following requirements are met:

1. The farm must be registered with the Agency of Agriculture, Food & Markets as a Tier II raw milk producer and display this registration clearly.
2. Milk must be presold – the farmer should be able to produce a list of who they have milk for that day.
3. Milk should be kept under constant refrigeration and out of daylight. Raw milk can be kept cool in a cooler filled with ice or by using other means to keep the milk out of the sun and at 40° F or less.
4. Unpasteurized milk cannot be transferred to a consumer more than four days from the date of production.

Raw milk vendors must clearly display their Tier II raw milk producer registration along with a warning sign as outlined by Vermont regulations. Additionally, unpasteurized milk should not be offered as free samples at farmers' markets.

Required Labeling for Raw Milk:

Unpasteurized (raw) milk must be clearly labeled as such, and the label must contain:

1. The date the milk was obtained from the animal.
2. The name, address, zip code, and telephone number of the producer.
3. The common name of the type of animal producing the milk, such as cattle, goat, sheep, or an image of the animal.
4. The words "Unpasteurized (Raw) Milk. Not pasteurized. Keep Refrigerated." on the container's display panel. These words shall be clearly readable in letters at least one-eighth inch in height and prominently displayed.
5. The following warning must be displayed on the container's principal display panel and clearly readable in letters at least one-sixteenth inch in height:
"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."

For additional information concerning regulations and licensing requirements for dairy product sales, please contact the Vermont Agency of Agriculture, Food and Markets' Dairy Section at (802) 828-2433.

Weights & Measures

If you use a scale at a Farm Stand, or Farmers market, there are two requirements from the Agency of Agriculture, Food & Markets:

1. Any scale used for direct sale must be licensed. The license application is available on the Agency website, www.agriculture.vermont.gov or by calling: 802-828-2436.
2. Any scale used for direct sale must be tested annually. Scale workshops are held during March and April each year, as the Agency does not attend each market to test scales. If you need your scale tested, call: 802-793-6744.

For additional information about selling produce in Vermont, please contact the Vermont Agency of Agriculture, Food and Markets' Consumer Protection Section at (802) 828-2436.

Fresh Produce

- Sales of fresh produce do not require special licensing or registration on the part of vendors.
- Inspectors with the Agency of Agriculture, Food and Markets will, however, inspect produce being sold at Farmers' Markets while filling out Farmers' Market Reports. Produce inspected during these sessions include apples, potatoes and strawberries.
- For these inspections:
 1. Apples should be in good condition. This means that they will display no bruises, decay, or stem punctures.
 2. Potatoes should be in good condition with no large green areas.
 3. Strawberries should be in good condition with no mold.

For additional information about selling produce in Vermont, please contact the Vermont Agency of Agriculture, Food and Markets' Consumer Protection Section at (802) 828-2436.

Meat & Poultry Products

Vendors selling meat products must be licensed through the Vermont Department of Agriculture, Food & Markets (exceptions are game birds, rabbits, and venison).

Licenses that may be required:

Farmers Market retail license: Required for the sale of red meat and inspected poultry products (for uninspected poultry, there is no license needed).

General Meat Product Requirements:

- An acceptable and sanitary means of storage is required to hold the meat and/or poultry products at 40° F or less for refrigerated products and 15°F or less for frozen products.
- Any red meat sold at Farmer's Markets is required to be inspected.
- Meat products should have a mark of inspection on the product, either a VT inspection legend or a USDA federal inspection legend.
- Meat products must be sold by net weight. This net weight must be noted on the label of the product.
- Meat storage containers and packaging must be clean, complete and covering the whole product.
- Meat products that have been processed at a custom processor and marked "NOT FOR SALE" cannot be sold.

Inspected Poultry Requirements:

- Inspected poultry should have a mark of inspection on the product, either a VT inspection legend or a USDA federal inspection legend. It should also follow the guidelines listed above.

Uninspected Poultry Requirements:

- Uninspected poultry can only be sold as a packaged whole bird (it cannot be cut up or further processed). The meat must carry a label telling consumers that it was not slaughtered under inspection and is to be used for home consumption only.
- The required labelling for uninspected poultry includes name(s), address, Exempt Statement, and Safe Handling Instructions.

For additional information about selling meat in Vermont, please contact the Vermont Agency of Agriculture, Food and Markets' Meat Inspection Section at (802) 828-2426.

Maple Syrup

- Each container of maple syrup for sale must have a grade label and a name and address. A town designation is acceptable in lieu of full address.
- One of the following grades must be present on each container: Golden Color/Delicate Taste; Amber Color/Rich Taste; Dark Color/Robust Taste; Very Dark Color/Strong Taste; Processing Grade.

For additional information about selling maple syrup in Vermont, please contact the Vermont Agency of Agriculture, Food and Markets' Consumer Protection Section at (802) 828-2436.

Eggs

- Eggs being sold must be in clean and unbroken condition.
- Eggs may be sold in either new, stock egg cartons or in used egg cartons. If eggs are sold in used egg cartons, vendors must cross out any code date of USDA shield printed on the carton.
- Egg cartons must state that eggs are "Grade A". By Vermont law, ungraded eggs are not allowed in retail sales. Home-produced eggs may be labeled as "Grade A" without undergoing testing (ex. candling).
- Information on the producer must be provided with eggs being sold. This information should include the name and address of the producer. Acceptable methods of identification include a return address mailing label affixed to the carton or name and address information written on the carton. A 3x5 index card with producer name and address may also be posted in front of a display of eggs.
- If eggs are sold in large or extra large cartons, producers should not have to weigh the eggs unless the eggs have been produced by certain breeds that lay much smaller than standard eggs (ex. bantam birds).

For additional information about selling eggs in Vermont, please contact the Vermont Agency of Agriculture, Food and Markets' Consumer Protection Section at (802) 828-2436.

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.

- A Home Baking License may be required for vendors preparing baked goods (whose primary ingredient is flour) such as breads, cakes, cookies, pies, etc. if the vendor has gross sales of more than \$125 a week averaged over the entire year. A vendor may qualify for an exemption to this license requirement if their gross sales do not reach this benchmark.

For additional information about selling baked goods in Vermont farmers' markets, contact the Food and Lodging Program of the Vermont Department of Health at 1-800- 439-8550.

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.

Licenses that may be required for Prepared Food Vendors:

- Fair Stand License- 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.
- Home Caterer, Commercial Baker, or Home Baker license - 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. A licensing exemption exists for home bakers with gross receipts of less than \$125 a week averaged out over the entire year.

For additional information about selling prepared food in Vermont, contact the Food and Lodging Program at the Vermont Department of Health at 1-800-439-8550.

Tax information

- Any vendor selling non-food items (exceptions are vegetable plants, herbs, edible flowers, etc.) must obtain a Vermont business tax number.
- Rooms and Meals Tax- Any vendor selling a prepared food may be subject to either Rooms and Meals Tax or Sales and Use Tax. Some towns have local option 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.
- Sales Tax- This tax is on retail sales in Vermont. At a farmers' market, this would apply to vendors selling crafts.
- 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.
- 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.
- 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. To do so, use Form W-7, (Application for IRS Individual Taxpayer Identification Number) to apply for an ITIN OR use Form SS-4 (Application for Employer Identification Number) to apply for an EIN.
- You can also 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).

For more information on taxes relevant to farmers' markets and vendors, contact the Vermont Department of Taxes at (802) 828-2551.