



Vendor Starter Kit

The BHFM Vendor Starter Kit is not intended to be a comprehensive list of information that vendors must know in order to operate their businesses in compliance with city, state, and federal regulations. However, the document is an excellent resource and starting point for new business owners.

Contact manager@blackhillsfarmersmarket.org for more information.

OPERATIONAL RULES, REGULATIONS, AND GUIDELINES

- **Farmers Market Online Guidebook (SDSU Extension):**
<http://igrow.org/community-development/local-foods/south-dakota-farmers-market-online-guidebook/>
 - Cleaning Produce: <http://igrow.org/community-development/local-foods/farmers-market-food-safety-cleaning-or-washing-produce/>
 - General Food Safety: <http://igrow.org/community-development/local-foods/food-safety-from-production-to-the-farmers-market/>
 - Tips for Success: <http://igrow.org/community-development/local-foods/tips-for-successful-farmers-market-vendors/>
- **South Dakota Department of Health General Listing of Rules:**
<http://doh.sd.gov/resources/statute-rules/>
- **South Dakota Department of Health Mobile Food Rules:**
<https://doh.sd.gov/food/restaurants-lodging/mobile.aspx>
- **South Dakota State Codified Laws**
 - Health Regulation of Food Service Establishments:
http://sdlegislature.gov/Statutes/Codified_Laws/DisplayStatute.aspx?Statute=34-18&Type=Statute
 - Baked and Canned Goods:
http://sdlegislature.gov/Statutes/Codified_Laws/DisplayStatute.aspx?Type=Statute&Statute=34-18-37
 - **34-18-36.** Canned good requirements--Verification. No canned good may be sold unless the pH level is 4.6 or less or the water activity level is .85 or less. A third-party processing authority with knowledge of the thermal processing required of food in hermetically-sealed containers shall verify the method of processing and that the pH or



water activity threshold levels are met. The processing authority shall provide any such verification in writing.

- **34-18-37.** Labeling of baked and canned goods. No baked good or canned good may be sold unless it has a label that includes the following information:
 - (1) Name of the product;
 - (2) Producer and contact information;
 - (3) Date the product was made or processed;
 - (4) Ingredients; and
 - (5) Disclaimer. The disclaimer shall state: "This product was not produced in a commercial kitchen. It has been home-processed in a kitchen that may also process common food allergens such as tree nuts, peanuts, eggs, soy, wheat, milk, fish, and crustacean shellfish."

- Agriculture and Horticulture:

http://sdlegislature.gov/Statutes/Codified_Laws/DisplayStatute.aspx?Type=Statute&Statute=38

- Apiaries:

http://sdlegislature.gov/Statutes/Codified_Laws/DisplayStatute.aspx?Type=Statute&Statute=38-18

- **South Dakota Sales Tax License:** <http://dor.sd.gov/>

- Tax application: <https://apps.sd.gov/rv23cedar/main/main.aspx>

LIABILITY AND OTHER INSURANCE PROGRAMS

- **Farmers Market Coalition:** <http://farmersmarketcoalition.org/>
- **Farm Bureau Financial Services:** <https://www.fbfs.com/>
- **Pickard Insurance Services:** <http://pickardcrop.com/>

VENDOR AND CUSTOMER PROGRAMS/SERVICES

- **Supplemental Nutrition Assistance Program (SNAP – customer program):** <https://dss.sd.gov/economicassistance/snap/faqs.aspx>
- **Beginning Farmer/Rancher Program (SDSU Extension):** Contact Jason Schoch, Program Manager, at jason.schoch@sdstate.edu



Black Hills Farmers Market

- **Beginning Farmer/Rancher Bond (SDDA):** <https://sdda.sd.gov/ag-development/beginning-farmers-ranchers/>
- **Western South Dakota Community Action Agency (CAP):**
<http://www.wsdca.org/Food.html>
- **On-site Debit/Credit Processing Services:**
 - Clover: <https://www.clover.com/get-paid>
 - Square: <https://squareup.com/compare-hardware>
 - PayPal: <https://www.paypal.com/us/webapps/mpp/credit-card-reader>

ATTACHMENTS AND SAMPLE DOCUMENTS

- BHFM Vendor Application Checklist (pg. A)
- Food Safety Protocol for Samples at Farmers Markets (pg. B)
- Sample Liability Insurance Form (pg. C)
- Sample Special Event Tax Return - Visiting/Trial Vendors Only (pg. D)
- 2016 Sensitive Sites Registry Notice (pg. E)



BHFM Vendor Application Checklist

Vendor Application Checklist

You do not need to include the Vendor Application Checklist as part of your application materials.

INSTRUCTIONS

Submit one copy of each item listed, as applicable. If your application is missing any of the listed documents, you will not be able to sell at the Black Hills Farmers Market (BHFM) until the documents are provided to management.

ALL VENDORS

- ☒ BHFM vendor application
- ☒ Website permission form
- ☒ Hold harmless agreement form
- ☒ EBT/debit/credit agreement form
- ☒ Liability insurance certificate
- ☒ South Dakota sales tax license
- ☒ BHFM rules and regulations form (signature page only)

SELECT VENDORS

- ☒ Food service certificate (if applicable)
- ☒ Candler/egg license (if applicable)
- ☒ Apiary registration (if applicable)
- ☒ Letters of verification – canned goods (if applicable)
- ☒ USDA Organic Certificate (if applicable)
- ☒ Small Scale Organic Growers Declaration of Exemption from Certification (if applicable)
- ☒ Photos of product(s) (artisan vendors only)



Food Safety Protocol for Samples at Farmers Markets

Guidelines for Serving Samples at the Farmers Market

Lavonne Meyer | SDSU Extension Food Safety Field Specialist
Dustin Larsen | SD Department of Health, Office of Health Protection

One way to increase sales at the farmers market is to offer samples. Vendors need to plan ahead to make sure they are in compliance with sampling regulations. Although each farmers market can decide whether or not they allow sampling, vendors must follow the South Dakota Department of Health safe food handling requirements. It is critical to follow these guidelines to keep the food samples free of contamination.

The following is a list of minimum requirements that should be followed when providing food samples at a farmers market, roadside stand or similar events.

- Food samples must be cut or prepared on site or in a licensed kitchen. Use clean and sanitized knives, utensils and cutting boards for cutting produce. You might find it easier to bring several clean knives, utensils and cutting boards in a protective plastic container. As they are used, replace them every two hours with a clean one. Store soiled items in a closed bag or container and take them home with you at the end of the day for cleaning and sanitizing. Cutting boards that are made of thin pliable plastic that take up very little room may work well for preparing samples on site.
- Food must be in good, sound condition, free from spoilage, filth or other contamination. Food must be honestly presented and safe for human consumption. Before cutting or consuming, all fruits and vegetables must be rinsed thoroughly in clean water. If it is a thick-skinned produce, scrub with a clean vegetable brush.
- Start with small amounts of cut fruit or vegetables. Discard food after two hours, or sooner if it starts to discolor. Use good judgment regarding the eye appeal of food samples. Timing and amount of samples available work together. The amount of samples available for customers should be reflective of the time of day the market is the busiest.
- Once fresh produce is cut, it must be temperature controlled for safety. All fresh produce samples must be held at or below 41°F. Cut produce should be discarded after two hours.
- Home processed acid foods (i.e. jams, jellies, syrups) and acidified foods (pickles, relishes, sauerkraut, salsa, barbeque sauce, tomatoes) can be offered for samples. THEY MUST BE VERIFIED FOR SAFE PROCESSING ACCORDING TO SDCL 34-18-36 (also referred to as the Home Processed Food Law).
- Hot foods such as teas or coffees available for sampling must be held at 140°F or above. Potentially hazardous foods that must be kept hot for safety cannot be made available for sampling unless they are from a licensed kitchen – including on-site temporary or mobile.
- Prevent the risk of contamination of samples by customers, employees, dust, insects, etc. by using the following safe food handling practices:
 - o Hand washing is available. (Refer to hand washing information below)
 - o All fruits and vegetables are washed clean of dirt with potable water before cutting/slicing.
 - o All foods are kept covered.
 - o Dispensing of food products must be through

the use of clean, sanitized utensils, deli sheets, or single-use gloves covering clean hands. If using gloves to handle ready-to-eat-foods, use them correctly. Refer to the SDSU Extension Publication Guidelines for Using Disposable Gloves in Temporary Food Stands by searching on the iGrow Food Safety website at <http://igrow.org/healthy-families/food-safety/>.

- o Sneeze guards and/or plastic coverings are required to protect open food products from contamination such as insects, dirt and customers. The sneeze guards must be big enough to intercept fluids and contaminants from the public. If two different samples are being offered, they should be in separate containers to prevent cross contamination, particularly by allergens.
- Individual single-use containers or pre-portioned bite-sized foods must be used. Examples are paper plates, cups, napkins, plastic utensils or toothpicks. The customer can then dispose of single service items once the produce is consumed. Provide a wastebasket for trash.
- Examples of how to provide samples of specific food items:
 - o Nuts or grapes: use a modified shaker bottle that shakes out a limited number of items
 - o Jams, pickled foods, popcorn: use small plastic sampling cups filled by the vendor for individual distribution
 - o Honey: use a capped squeeze bottle, or the vendor can use a single use spoon to scoop samples from a covered container that opens towards the vendor.
 - o Bite size pieces of produce or baked items: use individual toothpicks, so that customers can pick up one sample without touching the others.

Foods NOT allowed for sampling include those that must be temperature controlled for safety (with the exception of fresh cut produce). Examples of temperature-controlled foods that cannot be offered as a sample include all dairy products, prepared meat and poultry products and cooked vegetable products (i.e. prepared potatoes).

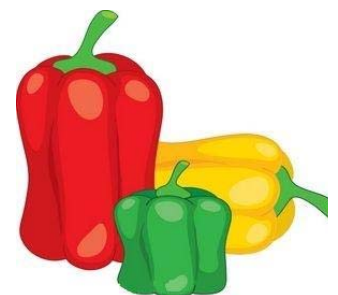
Adapted from the SD Department of Health Sampling Guidelines.



Sampling Requirements

The following is a list of minimum requirements that should be followed when providing food samples at a Farmer's Markets, roadside stand or similar events. This list is for food items that the marketer is selling and wants to provide free small portion sized samples for advertisement purposes only.

1. Food samples must be cut/prepared on site at the farmer's market, roadside stand or similar event.
2. Food must be in good, sound condition, free from spoilage, filth, or other contamination. Food must be honestly presented and safe for human consumption.
3. Individual single-use containers or pre-portioned bite-sized foods must be used.
4. Any food that requires temperature control once it is cut or open must be kept at or below 41°F if cold held or 140°F or above for hot held to ensure food safety.
5. Dispensing of food product must be through the use of clean, sanitized utensils, deli sheets or through the use of single-use gloves covering clean hands.
6. Sneeze guards and/or plastic coverings are required to protect open food products from contamination, such as insects or dirt.
7. A handwashing station must be provided. The handwashing station must include a container of warm potable water with a spigot, a waste water catch bucket, hand soap and disposable paper towels.





Sample Liability Insurance Form

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
01/30/2015

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER AGENCY NAME 123 MAIN ST BURBANK CA 91502	CONTACT NAME: AGENT NAME PHONE (A/C, No, Ext): FAX (A/C, No): E-MAIL ADDRESS: <div style="display: flex; justify-content: space-between;"> <div> INSURER(S) AFFORDING COVERAGE INSURER A: INSURANCE COMPANY NAME INSURER B: INSURER C: INSURER D: INSURER E: INSURER F: </div> <div> NAIC # 12345 </div> </div>
INSURED INSURED NAME 123 MAIN ST BURBANK CA 91502	

COVERAGES **CERTIFICATE NUMBER:** **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY						EACH OCCURRENCE \$ 1,000,000
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY						DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR	X		POLICY NUMBER	01/30/2015	01/30/2016	MED EXP (Any one person) \$ 10,000
	GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC						PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	ANY AUTO ALL OWNED AUTOS HIRED AUTOS						
	SCHEDULED AUTOS NON-OWNED AUTOS						
	UMBRELLA LIAB						EACH OCCURRENCE \$
	EXCESS LIAB						AGGREGATE \$
	DED RETENTION \$						
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY						WC STATUTORY LIMITS OTH-ER
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	Y/N					E.L. EACH ACCIDENT \$
	If yes, describe under DESCRIPTION OF OPERATIONS below	N/A					E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

Certificate Holder is Also an Additional Insured

CERTIFICATE HOLDER

ADDITIONAL INSURED NAME
123 MAIN ST
BURBANK CA 91502

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE



**Sample Special Event Tax Return
(Visiting/Trial Vendors Only)**

TRIAL VENDOR PROGRAM - AUGUST

Event Date: August 01 - 31, 2016

Return Due: September 30, 2016

EVENT # 1672

**SPECIAL EVENT TAX RETURN****Return this form to:**South Dakota Dept of Revenue
1520 Haines Avenue, Suite 3
Rapid City, SD 57701**ALL VENDORS NEED TO COMPLETE THIS FORM EVEN IF YOU HAVE ZERO SALES TO REPORT.**

Represent a Non-profit or Multi-Level Company? Please list the company you represent on the Business Name line.

NAME _____

BUSINESS NAME _____

ADDRESS _____

CITY _____ STATE _____ ZIP _____

TELEPHONE NUMBER _____

EMAIL ADDRESS _____

DO YOU HAVE A SOUTH DAKOTA SALES TAX LICENSE?☐ **YES - WRITE NUMBER HERE** _____

Do not fill out the rest of this form -- report & pay sales tax on your regular South Dakota sales tax return.

Return this form to the address listed above.

☐ **NO - Fill out the rest of this form to report and pay sales tax.**

Return this form to the address listed above.

GROSS SALES SHOULD NOT INCLUDE SALES TAX**State and Tourism Tax Calculations**

Gross Sales \$ _____ x 4.5% = \$ _____ State Sales Tax

Tax Calculations for RAPID CITY**General sales:**

Gross Sales \$ _____ x 2% = \$ _____ General City Sales Tax

Municipal Gross Receipts tax (BBB tax): Applies to Prepared Food, Alcohol Sales, and Admissions only.

Gross Sales \$ _____ x 1% = \$ _____ City Sales Tax

TOTAL TAX DUE \$ _____Please make check payable to the **SOUTH DAKOTA STATE TREASURER****Please Note:**

Sales tax applies on all sales made at the TRIAL VENDOR PROGRAM - AUGUST.

Since this event is located in RAPID CITY, see above for the city tax that should be collected (under the City Tax Calculations). The city tax is in addition to the state sales tax rate of 4.5%.

If you have an active South Dakota sales tax license, please display your license card in your booth.

Don't have South Dakota sales tax license? Complete and mail this form, along with payment, to our office within 30 days of this event. If you sell at three or more events a year or make online sales, please apply for a tax license at <http://sd.gov/taxapp>.**Have more questions?** Call us at (605) 394-2332.



2016 Sensitive Sites Registry Notice

PIERRE, SD – The South Dakota Department of Agriculture (SDDA) reminds landowners, bee keepers, organic producers, pesticide applicators and others that the department’s Sensitive Site Registry website is a tool that can be used to help prevent the harmful effects from drift during pesticide or fertilizer applications. The South Dakota Sensitive Sites Registry can be found at <http://arcgis.sd.gov/server/ag/sensitivesites/default.aspx>.

The interactive, web-based map allows commercial producers of pesticide sensitive crops and livestock to register their sensitive production areas. When a sensitive site producer registers a production area, an email is sent to each applicator who has registered a service area which includes that production location. This registry is designed to provide a simple way to inform pesticide applicators that your production area(s) is sensitive to pesticides and fertilizers and should be avoided. This site is not intended for homeowners.

Licensed commercial applicators are encouraged to register their service areas. Certified private applicators are encouraged to register their production areas if, after looking at the map, they see that there is a sensitive site close enough to their production areas that drift might be a concern. If your GPS unit is compatible with the GPX format, applicators can download a GPS file with the outline of all sensitive sites (including apiary) in your service area.

“The registry allows producers of crops such as vineyards and organic production areas that are sensitive to pesticides to register by entering their contact information, field data and crops grown,” said Tom Gere, SDDA agronomy services manager. “Apiary sites are automatically included on the site through the Apiary Program. Applicators can register their service areas as well; this allows the applicator to be informed via email about whatever new or old sensitive sites are in the service area.”

The map is also available for anyone to view South Dakota apiary locations, as well as other sensitive areas such as orchards and vineyards. Registry of gardens that are a half-acre in size or larger are allowed on the site this year because of the recent increase of pesticide drift incidences on gardens.

Some things to remember include:

- Anyone keeping bees in the state needs a beekeeper license. License applications are due before bringing bees into the state and must be submitted every year along with the required fees.
- Before placing and relocating apiaries, a landowner’s consent must be obtained. All apiary locations must be registered before use. The landowner’s name, phone number and description of the location should be sent to the South Dakota Department of Agriculture.
- The beekeeper’s identification number should be placed on the top box of at least one hive in each apiary and each location must also be posted with the beekeeper’s name or business name and phone number. Numbers and letters must be weatherproof and have minimum height and thickness requirements to ensure visibility upon approach.