



MARKET MANAGERS' CHECKLIST

PERMITS/LICENSES/ CERTIFICATES REQUIRED FOR FARMERS' MARKET SELLERS

The following is a checklist that will help you to understand the permits, licenses and certificates that are required of sellers of various products commonly found in farmers' markets. This checklist is not exhaustive, but is a general guideline. Please consult the inspection agencies listed at the end further assistance.

Fresh Produce: No permits, licenses or certificates required, if raw, uncut, and unprocessed.

Plant Sales: Only one nursery license is required and must be posted in public view at the time of sale.

- NYS Department of Agriculture & Markets Nursery Growers License, if engaged in the production of plant material intended for sale. A nursery grower is also permitted to purchase and resell plant material under this same license.
- NYS Department of Agriculture & Markets Nursery Dealers License, if purchasing and reselling plant material only and the vendor is not involved in any growing of potted plant material.
- Valid NYS Sales Tax Certificate

Eggs: No permits, licenses or certificates required, for cleaned shell eggs maintained at 45 degrees F or less.

Honey, Maple Syrup: No permits, licenses or certificates required, if single ingredient products.

- Article 20C License from NYS Dept. of Agriculture & Markets, if additional ingredients are added to the products; i.e. maple mustard, maple cotton candy, etc.

Baked Goods

- 20C Exemption from NYS Dept of Agriculture & Markets if home baked, non-hazardous; i.e. bread, rolls, cookies, cakes, brownies, fudge & double crust fruit pies. (Quickbreads are considered potentially hazardous and cannot be done under 20C Exemptions.)
- Article 20C License from NYS Dept. of Agriculture & Markets on all other baked products provided the business does 51% of its sales at wholesale. (Requires a separate, commercial kitchen.)
- All other baked goods must come from a licensed NYS Department of Health facility.

Cider/Fruit Juice

- Article 20C License from NYS Dept of Agriculture & Markets for manufacturers/bottlers.
- All cider and fruit juices must be pasteurized or UV treated.

Mushrooms:

- Cultivated mushrooms, sold whole or otherwise processed, require no license
- Cultivated mushrooms, sliced, chopped, washed and identified as ready to eat or any other processing requires a 20C license
- Mushroom species picked in the wild shall be obtained from a source where each mushroom is individually inspected and found to be safe by an approved mushroom identification expert prior to sale. At this time (2020), there are no approved mushrooms experts in New York State. New York State Agriculture & Markets, while not being able to approve an individual as a mushroom identification expert, will accept certification given through Mushroom Mountain, LLC only. This jurisdiction over wild foraged mushrooms by NYS Ag & Markets is limited to retail sales only. NYS Department of Health is responsible for sales to institutional food vendors (restaurants, schools, etc.)

Grains and Legumes (prepackaged – cannot be packed on site):

- No permits, licenses or certificates are required.

Processed Foods

- Home Processors are eligible for an Article 20-C Exemption from NYS Dept. of Agriculture & Markets, for non-hazardous foods only, including traditional fruit jams, jellies and marmalades; candy (excluding chocolate); spices and herbs repackaging only); and snack items such as popcorn, caramel corn and peanut brittle. Information on registering as a Home Processor in New York can be found on the website, <http://www.agriculture.ny.gov/FS/consumer/processor.html>, or by calling one of the Regional Offices.
- Article 20C License from NYS Dept of Agriculture & Markets, prepackaged and labeled in accordance with NYS Food Labeling Law: Identity of food in package form; name of manufacturer, packer or distributor; place of business; ingredient declaration in descending order of predominance by weight; and net quantity of contents.
- County Board of Health Permit if processing is on-site, i.e., cutting of baked goods to be sold by the piece, slicing of cheese to be sold by the pound; cooking and selling ready-to-eat foods
- Home processing of canned fruits and vegetables is not permitted. All canned fruits and vegetables must be done under 20C License and registered with the Federal government as a food processor.
- Article 20C License from NYS Dept. of Agriculture & Markets is required for dehydrating herbs and spices or for the blending of any spices for repackaging.
- Food processing (portioning, packaging, etc.) is not allowed at the farmers market.

Meats – Only one license is required. No cutting, grinding, or processing is permitted at the market level.

Beef

- USDA slaughtered, as evidenced by package stamp.
- No license required if sold frozen and maintained at 0 degrees or colder.
- Article 28 License from NYS Dept. of Agriculture & Markets, if sold fresh. Must be maintained at 40 degrees F.

Chicken (Must be frozen)

- No license required if NYS Article 5A Exempt.
- No license required if USDA slaughtered and sold frozen.
- Article 28 License from NYS Dept. of Agriculture & Markets, if sold fresh, and maintained at 41 degrees F.
- Article 5A license from NYS Dept of Agriculture & Markets, if a slaughterhouse and a retailer.

Exotic Meat (Must be frozen)

- Slaughtered under Article 5A license from NYS Dept. of Agriculture & Markets.
- No license required if sold frozen and maintained at 0 degrees or colder.
- Article 28 License from NYS Dept. of Agriculture & Markets, if sold fresh, and maintained at 40 degrees F, if not licensed under Article 5A.

Processed Meats

Article 20C license from the NYS Dept. of Agriculture & Markets.

Fish (if processed - fileted, etc - must be frozen)

- No permit, license or certificate is required if a freshwater fisherman is selling only whole, non-protected species.
- Article 20C License from NYS Dept of Agriculture & Market if fish is pan-ready.
- NYS DEC hatchery permit required if selling protected freshwater species.
- NYS DEC permit required if re-selling any protected freshwater species.
- NYS DEC Food Fish License to catch and sell marine fish.
- NYS DEC Food Fish and Crustacean Dealers & Shippers License to resell marine fish purchased from a licensed fisherman.

Dairy Cheese & Other Dairy Products (such as yogurt, butter, sour cream):

For producers, Part II Permit, issued by the NYS Dept. of Agriculture & Markets Division of Milk Control and Dairy Services. If cut and wrap cheese, need Part II Permit issued by Division of Milk Control and Dairy Services unless part of a food establishment regulated by Division of Food Safety, in which case just need Article 20C License

Milk and Fluid Milk Products (such as 2%, 1% and non-fat milk):

Milk must be pasteurized.

Producer must have Part II Permit issued by Division of Milk Control and Dairy Services.

Producer and any distributor must have a Milk Dealers license issued by Division of Milk Control and Dairy Services unless amount handled is less than 3000 pounds per month

Fresh Cut/ Dried Flowers: Valid NYS Sales Tax Permit

Crafts: Valid NYS Sales Tax Permit

New York State Wines

- Farm Winery Permit, issued by the NYS Liquor Authority
- Valid NYS Sales Tax Certificate

New York State Microbreweries: Must obtain a no-fee permit from the NYS Liquor Authority:

<http://www.sla.ny.gov/system/files/BrewerOffPremisesPermit.pdf>

For additional information, call:

NYS Dept. of Agriculture & Markets, Division of Food Safety: 518-457-5459

NYS Dept. of Agriculture & Markets, Division of Milk Control & Dairy Services: 518-457-1772

NYS Dept. of Agriculture & Markets, Division of Plant Industry: 518-457-2087

NYS Dept. of Environmental Conservation, Permitting Office: 631-444-0471

Compiled by the Farmers' Market Federation of New York, 2009, updated 2016