



Rules, Regulations and Resources for Farmers' Markets in Kansas



FAQs

Find answers to some of the most common questions asked by farmers' market vendors and managers and learn to whom to turn for more information.

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Buying locally is one of the hottest trends in the food sector today. As a result, the opportunities for farmers to sell directly to consumers continue to rapidly grow.

In Kansas, a majority of direct to consumer sales occurs at one of our state's 75+ farmers' markets. This publication serves as an introduction to the rules and regulations covering sales at farmers' markets. The principal goals of regulation are to ensure food safety and to adequately inform consumers about what they are buying.

Few regulations in Kansas are specifically written with the farmers' market vendor in mind. Compliance can be challenging for the small producers selling in outdoor seasonal markets. Challenges range from access to water to navigating the regulations on cooking demonstrations. This publication serves as a quick guide to common questions about selling at Kansas farmers' markets.

The information contained in this publication is intended for use as educational material to assist farmers' market organizers, managers, vendors and other stakeholders in operating seasonal open-air markets in Kansas.

This publication is not intended as, and should not be used as, a substitute or replacement for other sources of information on the topic. Each person

should consult knowledgeable persons and/or publications before relying on this information to engage in direct farm marketing at farmers' markets.

Reasonable efforts have been made to ensure the accuracy of the information contained in this publication; however, the content and interpretation of laws and regulations are subject to change. The effect of future legislative, administrative and

judicial judgments cannot be predicted.

For these reasons, the utilization of these materials by any person represents an agreement to hold harmless the author and the Kansas Rural Center for any liability, claims, damages or expenses that may be incurred by any person as a result of reference to or reliance on the information contained in this publication.

Frequently Asked Questions

Questions below are typical of those asked by farmers' market vendors and managers. Please use answers as an aid in determining which agency to contact for complete information.

Eggs

Is selling my eggs in reused/recycled cartons okay?

Reusing an egg carton is allowed as long as the carton is clean and you mark out all incorrect information such as the previous producer's name and address, grade as well as previous pack and expiration dates. If your flock is smaller than 50 hens, you will also need to label the carton with your name and address as well as the quantity. There are additional labeling requirements for larger flocks.

See KDA Eggs for more information

I like to have an open carton on my table so shoppers can see the beautifully colored Araucana eggs. Is this a problem?

Kansas Egg Law stated that eggs must be stored at or below 45° Fahrenheit in a cooler or other temperature-controlled device with a properly calibrated thermometer. Vendors wishing to display eggs should hard-boil a dozen to use for this purpose and mark the display with a sign stating, "For display only. Not for sale."

See KDA Eggs for more information

Prepared Food

Community groups occasionally sell food at our market.

What are the regulations covering this?

As long as they serve food six or fewer times in a calendar year, community organizations who bring food prepared off-site and sell at farmers markets fall under KDA temporary food service designation. Groups must follow the requirements for sampling. KDA can provide food safety handouts to the organization as well.

See KDA Sampling & Prepared Foods for more information

We have two bierock vendors at our market; one serves its bierocks hot while the other offers them frozen. Who regulates the sale of bierocks?

A vendor selling hot, ready to eat bierocks must have a license from KDA. KDA oversees restaurant-type establishments. Most likely, this vendor should have a KDA Licensed Mobile Unit.

A vendor selling refrigerated or frozen bierocks falls under the oversight of KDA Meat and Poultry Division. KDA classifies frozen or chilled bierocks a processed product containing meat and therefore must bear a KDA

or USDA Inspection Legend to be sold at farmers' markets. To receive an Inspection Legend, the product must be processed in a facility with a KDA or USDA inspector present.

See KDA Prepared Foods for more information

See KDA Meats and Processed Foods for more information

Preserved Food

I think I make the world's best pickles, but I am told I can't sell them at market. Why is this?

Because there are such serious consequences for consumers when errors are made preserving food, KDA does not allow the sale of home canned foods. Jams and jellies are the exceptions.

To bring your pickles to market, you will need obtain a KDA Food Processor License, have your recipe tested and approved, as well as process your product in a licensed facility. Kansas State University's Food Science Institute has a Value-Added/Product Development Lab, which offers food-related businesses, processors, and entrepreneurs numerous services.

See KDA Preserved Foods for more information

See Resources KSU's Food Science Institute for more information

Processed Food

I want to offer salsa at market. I know home-canned salsa, with its risk of botulism, is a no-no, but what about fresh salsa?

Products like fresh salsas and pestos contain potentially hazardous ingredients and can only be sold if you have a KDA Food Processor License and you prepare your product in a licensed/certified facility. Alternately, you can have your produce/product processed at a licensed Food Processing Facility.

See KDA Processed Foods for more information

Produce

I want to sell a salad mix of different greens but I've heard I can't do this without a license. Is this accurate?

If you wash and pre-bag any produce, it's considered food processing and therefore requires licensing. Salad mixes, if sold in bulk and weighed at the time of purchase, are allowed. The mix can be put in a bag at the time of purchase for the convenience of your customer.

See KDA Processed Foods for more information

Scales

I sell my napa cabbage by the head and I was told this isn't allowed. Why not?

National Institute of Standards and Technology Handbook 130 outlines the method of sale for commodities. The purpose of this regulation is to require

accurate and adequate information about commodities so that purchasers can make price and quantity comparisons. If a farmers' market vendor sells her produce using a method different from stores or even other market vendors, she isn't providing comparable information to the consumers to make price and quantity comparisons.

See KDA Weights and Measures for more information

How do I get my scale certified?

Not all scales are eligible to be certified so you should check with KDA or a licensed service technician especially before making the investment in a new scale.

To have your current scale certified, it will need to be checked for accuracy by a licensed service technician or KDA inspector. Some markets and vendor groups hold a scale party to reduce cost of certification.

See KDA Weights and Measures for more information

What role does the market manager have in enforcing regulations?

The market manager's primary role is to educate vendors on regulations. A manager can make a vendor aware of a possible violation and suggest ways to make activity compliant with regulation.

Kansas Department of Revenue

Business Registration and Retail Sales Tax

- Each vendor at a Kansas farmers' market must obtain a Retail Sales Tax Certificate.
- This Retail Sales Tax Certificate must be prominently displayed while at market.
- Sales tax must be collected from customers by either adding tax to the purchase price or including it in the purchase price.
- Vendors should file their tax liability individually not, as in the past, by the market as a whole.

How do I register for a sales tax number?

The fastest way to register a new business is through the Kansas Business Center web site:

<https://www.accesskansas.org/businesscenter/index.html>

You will have your number and your Retailer's Sales Tax Certificate upon completion. The Business Tax Application (Form CR-16) is available on the Kansas Department of Revenue web site

<http://www.ksrevenue.org/specialsalesevents.htm>

or by calling 785 296 4937. There is no fee for registration.

Collecting Sales Tax

Your Retail Sales Tax Certificate must be prominently displayed while at market.

Sales tax must be collected from customers at the time of sale by one of the following methods:

- *plus tax*: adding tax to the purchase price
- *tax included*: including it in the purchase price

As sales tax varies from county to county, tax must be assessed at the rate at the point of sale (city/county that hosts the market), not the rate at the place of business (county of origin of products). Kansas Sales and Use Tax Address Tax Rate Locator provides information on

local taxing jurisdictions and tax rates for all addresses in the state of Kansas:

<http://www.taxwatch.biz/cgi-win/Kansas/TxWStateSite.exe/Lookups>

Bracket Cards, sales tax tables based on amount of sales, for a variety of rates are available for download:

<http://www.ksrevenue.org/bracketcards.htm>

Filing Frequency

The frequency with which vendors file their annual tax liability varies depending on the amount of sales tax collected in a calendar year. Sales tax should be reported to the Kansas Department of Revenue as follows:

- Annual tax liability of \$80.00 or less-annually
- Annual tax liability of \$80.01-\$1600.00-quarterly
- Annual tax liability of \$1600.01 or greater-monthly

More information on filing frequency can be found at www.ksrevenue.org/pdf/2000/ffchanges.pdf

Special Event Reporting

Market Managers are encouraged to visit the KDR Special Events page

<http://www.ksrevenue.org/specialsalesevents.htm>

To learn of special requirements.

Contact Information:

**The Kansas Department of Revenue
Division of Tax Operations
Docking State Office Building
915 SW Harrison Street
Topeka, Kansas 66612-1585**

or

**Robert Adcock
Kansas Department of Revenue
913-631-0296, Ext. 202**

kdor_special_events@kdor.state.ks.us



Kansas Department of Agriculture

Baked Goods

It is acceptable to sell baked goods prepared in a home kitchen so long as they are not considered potentially hazardous by the Kansas Department of Agriculture.

Potentially hazardous foods include:

- meringue, custard or cream pies
- cheesecakes
- cream-filled cupcakes or donuts
- cream cheese-based frostings or fillings

KDA requirements for selling baked goods at Kansas farmers' markets include:

- pre-wrapping and sealing of packaging
- proper labeling

Packaging

Baked goods must be proportioned and pre-packaged in clean, new wrappings, jars or bags. These packages must be sealed and cannot be opened to sell part of the contents.

Labeling

Kansas Department of Agriculture requires packaged foods to be labeled. KDA defines packaged foods as any food product packaged in any manner before its sale.

Labels must include the following information:

- Common name of product, e.g. scone, apple pie
- Name and address of distributor, no PO Box
- Net weight or numerical count
- Ingredient list with items in descending order of predominance by weight

Labels containing the above information are required to be affixed to all baked goods packaged before sale.

Labels must be easily read by shoppers.

Contact Information:
Kansas Department of Agriculture
Division of Food Safety and Lodging
785.296.5600

Dairy Products

Milk, cheese and other dairy products may be sold at farmers' markets if the following guidelines are followed:

- Vendor has a licensed KDA Dairy Processing Plant
- Product is kept at appropriate temperatures in coolers, refrigerated vehicles or freezers with calibrated thermometers

Licensing

The Kansas Department of Agriculture's Dairy Inspection Program licenses Dairy Processing Plants. Constructing an approved facility is a significant investment. KDA Dairy Inspectors are equipped to walk one through the process and visit your farm to discuss ideas with potential permit holders. Dairy processing plants are inspected about six times a year, pasteurization equipment is tested quarterly and samples of all products are collected and tested in the KDA dairy lab each month.

An application in PDF form can be obtained from the KDA website: <http://www.ksda.gov/dairy/content/121>

Labeling

KDA's Dairy Inspection Program approves labels for dairy products and registers labeling claims such as "milk is derived from cows which have not been given supplemental injections of rBST". Documentation must be submitted when seeking approval for product labeling claims.

Proper Storage

Milk, cheese and other non-frozen dairy products must be maintained at a temperature of 45° F or below at all times. Those concerned with product quality should keep refrigerated products below 40° F. Frozen dairy items, such as ice cream, must be solidly frozen and



maintained at a temperature of 0° F or below at all times. Vendors may transport dairy products to market in coolers, refrigerated vehicles or freezers equipped with properly calibrated thermometers.

Contact information:
Kansas Department of Agriculture
Dairy Inspection Program
George Blush
george.blush@kda.ks.gov
109 S.W. 9th Street, 3rd Floor
Topeka, KS 66612
785-296-3511 Fax: 785-296-0673
<http://www.ksda.gov/dairy/>

Eggs

Regardless of flock size all eggs sold at farmers' markets must be:

- Stored at or below 45° Fahrenheit in a cooler or other temperature-controlled device with a properly calibrated thermometer
- Packaged in cartons free of foreign materials
- Labeled with the following information:
 - Name and address of the business/individual
 - Identity (if other than chicken eggs i.e. duck, goose, etc.) and the quantity

Regardless of flock size Kansas Egg Law states that eggs offered for sale are not to be "mis-labeled". When eggs are packaged in used cartons, all false information is to be obliterated. This includes:

- Name and address of previous producer
- Grade
- Pack and expiration dates

Flock Size: 50 or fewer hens

If you have 50 hens or fewer and all sales are direct to consumers, you're exempted from the provisions of the egg law except for the above statements. You have the choice of selling ungraded or graded eggs.

When choosing to sell **graded eggs**, you are *required* to:

- Obtain a Kansas Egg License
- Pay inspection fees

- Follow KDA labeling requirements (see below)

Flock Size: 51 to 249 hens

If you have between 51 and 249 hens and all sales are direct to consumers, you may choose between selling ungraded or graded eggs.

When choosing to sell **ungraded eggs**, you are *not required* to:

- Obtain a license
- Buy egg inspection fee stamps

However, you *must*:

- Wash and clean eggs
- Affix a label with
 - Producer's name and address
 - Identity, if other than chicken eggs)
 - Quantity (net weight statement)
 - A statement that eggs are ungraded
- Store eggs at or below 45° Fahrenheit at all times

When choosing to sell **graded eggs**, you are *required* to:

- Obtain a Kansas Egg License
- Pay inspection fees
- Follow KDA labeling requirements (see below).

Flock Size: 250 or more hens

If you have more than 249 hens Kansas egg law requires you to obtain a Kansas Egg License and sell only graded eggs.

What must I do to sell "graded" eggs?

To sell graded eggs or sell eggs to a retail business you must first obtain a license. A Kansas Egg License has a fee of \$5.00, expires December 31 and must be renewed annually.

Licensees are subject to an inspection fee of \$0.0035 per dozen eggs which may be paid quarterly (\$15.00 minimum per quarter) or per dozen by purchasing inspection fee stamps, to be affixed on each carton, from the Kansas Department of Agriculture. Stamps come in a variety of sizes and grades in rolls of 1,000 stamps.



How do I obtain the license application and buy the egg inspection fee stamps?

You may contact the KDA Agricultural Commodities Assurance Program office or go to its website.

If I choose to sell “graded” eggs, what are the labeling requirements?

Each container of “graded” eggs shall be labeled, in English, with the following information:

- Size and quality of eggs printed in boldface type letters not less than 3/8 inch in height
- Identity of the eggs (if other than chicken eggs i.e. duck, goose, etc.)
- Name and address of either the packer or the retailer if the eggs have been repacked
- Pack date (month/day or Julian date) and expiration date preceded by “exp,” or “sell by”
- Safe handling instructions:
 - “Keep refrigerated at or below 45° Fahrenheit,” printed on the outside of the carton
 - “To prevent illness from bacteria: Keep eggs refrigerated, cook eggs until yolks are firm, and cook foods containing eggs thoroughly” printed either on the outside or the inside of the carton

Can I sell other types of eggs besides chicken eggs?

Eggs other than chicken eggs cannot be graded. These types of eggs have the same requirements of the “ungraded” eggs stated above.

Can I sell baluts?

Baluts, a food derived from fertile eggs, generally chicken or duck eggs that are incubated for a period of time shorter than is necessary for hatching, may be sold at farmers’ market as long as the following requirements are followed:

- Balut must be refrigerated upon removal from incubation and maintained at a refrigerated temperature of 45° Fahrenheit, or less, while transported, stored or held for retail sale.

- Each container of balut shall be clearly and conspicuously labeled to inform the consumer that the product is an embryonated egg or such other term or phrase that is informative and not false or misleading.
- Baluts must be sold as ungraded

Contact Information:
Kansas Department of Agriculture
Agricultural Commodities Assurance Program (ACAP)
Karol Skelton
karol.skelton@kda.ks.gov
 109 SW 9th St
 Topeka, KS 66612
 785-296-7430
http://www.ksda.gov/records_center/cid/1330

Honey

The sale of honey directly to the consumer is permitted at farmers’ markets. If you wish to sell honey through retail outlets, contact KDA.

Contact Information
Kansas Department of Agriculture
Division of Food Safety and Lodging
 109 SW 9th St. Topeka, KS 66612
 785.296.5600

Jams and Jellies

The sale of home-processed jam and jelly is permitted at farmers’ markets as these products are not considered potentially hazardous. Jam and jelly products must be labeled according to KDA Division of Weights and Measures labeling requirements:

- Common name
- Name and address of manufacturer
- Ingredients
- Net weight (liquid volume)



Meats

Frozen meats and poultry may be sold at farmers' markets if the following guidelines are followed:

- Vendor must be registered with the Kansas Department of Agriculture, Division of Inspections
- All products must be USDA or State of Kansas inspected, passed and labeled as such
- Raw products must be kept solidly frozen (0° F or below) in freezers or coolers
- Meat products must be held, stored, and transported in a clean sanitary environment to keep products wholesome

KDA Registration

The Kansas Department of Agriculture registers those selling meat products at farmers' markets. There is no cost for a KDA Meat Wholesaler/Distributor License if filed before January 15th. Licenses are renewed annually. An application in PDF form can be obtained from the KDA website:

http://www.ksda.gov/meat_poultry/content/156

Proof of registration must be displayed at point of sale. As part of the registration, a Compliance Officer will visit you at least annually. The Compliance Officer will review your compliance with all appropriate laws and regulations.

Processing

KDA requires all meat sold to be processed in either a KDA or USDA licensed processing facility. Meat labeled as 'Custom Not for Sale' cannot be used for retail sales.

Labeling

KDA and USDA approve labels for meat packaging. A licensed Meat Wholesaler/Distributor may elect to work with KDA to create custom labels for their businesses or may use an approved processor label.

The Kansas Department of Agriculture must register labeling claims such as grain or grass fed and antibiotic

free. Such claims must be accompanied by appropriate documentation for approval. "Hormone-free" is not an allowable claim. KDA provides a free registration service for labeling claims involving a farm visit by an inspector. For more information about this service, please call 785.296.3511.

Proper Storage

Raw meat must be solidly frozen and maintained at a temperature of 0° F or below at all times. Vendors may transport meat to market in coolers or freezers equipped with properly calibrated thermometers.

Other Meat Products

Processed meat products such as jerky and summer sausage may be sold at farmers market. To sell these items the vendor must be a licensed Meat Wholesaler/Distributor and the product must:

- utilize a KDA approved recipe
- bear a KDA approved label
- be maintained at the appropriate temperature

Processed foods containing meat (more than 2% meat by weight for foods sold uncooked and more than 3% meat by weight for foods sold pre-cooked), such as bierocks, must bear a KDA or USDA Inspection Legend to be sold at farmers' markets. To receive an Inspection Legend, the product must be processed in either a USDA or KDA inspected meat processing facility. To test the marketability of your product, it is recommended that a vendor work with a meat processing facility with an onsite USDA/KDA inspector. If the product proves successful, the vendor may then decide to apply to build his or her own facility.

Contact information:

Kansas Department of Agriculture
Division of Food Safety - Meat and Poultry Inspection
 109 SW 9th Street, 3rd Floor
 Topeka, KS 66612
 785-296-3511 Fax: 785-296-0673
<http://www.ksda.gov/meat%5Fpoultry/>



Plants

The Kansas Department of Agriculture's Plant Protection and Weed Control Division requires each vendor who sells plants at farmers' markets to obtain a Kansas Live Plant Dealer License. This includes those who:

- grow or sell live plants
- plant, transplant, or move live plants for compensation
- give live plants as a premium for promotional or advertising purposes

Live plants include any living plant, cultivated or wild, or any part thereof that can be propagated except:

- cut flowers and greenery not used for propagation
- seeds or sets of any kind
- aquatic plants for use in indoor aquariums
- fruits and vegetables for food or feed
- all field and forage crops

KDA Licensing

The Kansas Live Plant Dealer License is an annual business license that expires each year on January 31 and costs \$50 for each business location. If your annual retail live plant sales from all business locations total less than \$10,000, there is no cost for the license. If your market gives away live plants as a promotion, the market will need to obtain a fee exempt Live Plant Dealer License.

An application for the Kansas Live Plant Dealer License can be downloaded from the KDA website http://www.ksda.gov/plant_protection/?cid=573

Or by calling the Kansas Department of Agriculture's Record Center at 785-296-2263.

Contact information:

**Kansas Department of Agriculture
Plant Protection and Weed Control Program
William T. Scott, Program Manager
bill.scott@kda.ks.gov**

**P.O. Box 19282
Forbes Field Building 282, Street I
Topeka, KS 66619-0282
785-862-2180**

<http://www.ksda.gov/plant%5Fprotection/>

Preserved Foods

The sale of home-canned, preserved products (with the exception of jams and jellies) is *not permitted* at farmers' markets. A Food Processor License is required to thermally-process products offered for sale. Salsa, pickled vegetables, chutneys and sauerkraut are examples of preserved foods.

Food Processor License

Contact the Kansas Department of Agriculture's Division of Food Safety and Lodging for guidance obtaining a Food Processor License. Attendance at a Better Process Control School (BPCS) is highly recommended. The Better Process Control Schools (BPCS) certify supervisors of thermal processing systems, acidification, and container closure evaluation programs for low-acid and acidified canned foods. It is recommended that each processor of low-acid or acidified foods operate with a certified supervisor on hand at all times during processing.

Below are some of the requirements for preserved foods:

- Recipe used must be from an approved source.
- Product prepared in a licensed facility.

The Kansas State Food Science Institute's Value Added/Product Development Lab may be helpful in developing your product (see resource section).

**Contact Information
Kansas Department of Agriculture
Division of Food Safety and Lodging
109 SW 9th St. Topeka, KS 66612
785.296.5600**



Processed Foods

Fresh salsas, pickles, pestos and other products containing potentially hazardous ingredients can only be sold if:

- Processor has a Food Processor License
- Product is processed in a licensed/certified facility
- Four-part label is attached
- Proper temperatures are maintained at market

It is possible to have your produce/product processed at a licensed Food Processing Facility and then offer it for sale at market.

Processed foods containing meat (more than 2% meat by weight for raw foods and more than 3% meat by weight for cooked foods) must bear a KDA or USDA Inspection Legend to be sold at farmers' markets. See Meats above for more information.

Contact Information

**Kansas Department of Agriculture
Division of Food Safety and Lodging
109 SW 9th St. Topeka, KS 66612
785.296.5600**

Weights and Measures: Sale of fruits and vegetables

NIST (National Institute of Standards and Technology) Handbook 130 outlines the method of sale for commodities. The purpose of this regulation is to require accurate and adequate information about commodities so that purchasers can make price and quantity comparisons. The Kansas Department of Agriculture, Weights and Measures Division regulates the method by which fruits and vegetables may be sold at farmers' markets.

KDA list four methods of determining quantity or weight of crops for a set price:

- Weight: weight of crop assessed using a certified scale, e.g. \$2 per lb. of tomatoes
- Count: number of items included in a group, e.g. 1 cantaloupe, 1 dozen ears of corn
- Bunch: group of items bound together, e.g. \$1 per bunch of green onions

- Dry Measure: volume measured by container with standard capacity, e.g. pint of blackberries

Weight

Weight must be assessed using a certified scale that displays the weight to the customer. Weight method of sale may be used for all fruits and vegetables with the exception of corn on the cob.

- Scales must be certified annually by a licensed service technician or by a KDA inspector. A list of technicians licensed by the State of Kansas Weights and Measures Division may be obtained by contacting the Weights and Measures Program, see below.
- A tare weight must be assessed by placing packing material on the scale and "zeroing out"; this must be repeated each time a different packing material is used.

Count

Count method of sale may only be used in certain circumstances. Count may not be used for cut melons, fruit and some vegetables. See chart below for specific crops.

Bunch

Bunch method of sale may only be used in certain circumstances. Bunch may not be used for asparagus, leeks or radishes. See chart below for specific crops.

Dry Measure

All fruit whose names end in the term "berry" and small fruits sold by dry measure (volume) must be offered for sale in measure containers with standard capacities, as per the Berry Basket and Box Code:

- International System of Units (SI) Capacities- 250 milliliters, 500 milliliters, or 1 liter
- Inch-Pound Capacities-1/2 dry pint, 1 dry pint, or 1 dry quart
- Containers may be open or covered by uncolored transparent lids or other wrappings that do not obscure the contents.
- When selling by volume in dry measure containers, whether or not covered, the measure containers



themselves shall not be considered packages for labeling purposes, and therefore do not require labeling.

- Tree fruit and standard-sized tomatoes may only be sold in dry measure quantities of a peck (8 quarts) or larger.

Below is a list of fruits and vegetables with the method by which they may be sold:

| Commodity | Method of Sale |
|-----------------|-----------------------------|
| Apples | weight, count, dry measure* |
| Apricots | weight |
| Artichokes | weight or count |
| Asparagus | weight or count |
| Beans | weight or dry measure |
| Beets | weight or bunch |
| Berries, all | weight or dry measure** |
| Broccoli | weight or bunch |
| Brussel sprouts | weight |
| Cabbage | weight |
| Cantaloupe | weight or count |
| Carrots | weight or bunch |
| Cauliflower | weight or bunch |
| Celery | weight or count |
| Cherries | weight or dry measure** |
| Corn on cob | count |
| Cucumbers | weight or count |
| Cucumbers | weight or count |
| Eggplant | weight or count |
| Escarole | weight or bunch |
| Garlic | weight or count |
| Grapes | weight |

| Commodity | Method of Sale |
|------------------------|-----------------------------|
| Greens, all | weight |
| Kale | weight |
| Kohlrabi | weight |
| Leeks | weight |
| Lettuce | weight or count |
| Melons | weight or count |
| Mushrooms | weight or dry measure** |
| Okra | weight |
| Onions (spring, green) | weight or bunch |
| Parsley | weight or bunch |
| Parsnips | weight |
| Peaches | weight, count, dry measure* |
| Pears | weight, count, dry measure* |
| Peas | weight |
| Peppers | weight or count |
| Plums | weight or dry measure* |
| Potatoes (Irish,sweet) | weight |
| Pumpkins | weight or count |
| Radishes | weight |
| Rhubarb | weight |
| Rutabagas | weight |
| Spinach | weight or bunch |
| Tomatoes | weight or dry measure* |
| Tomatoes (cherry) | weight or measure** |
| Turnips | weight or bunch |

*in units not less than 1 peck

**Berries and small fruits sold by measure must be sold in containers standardized by the “Berry Basket and Box Code”

Contact Information:
Kansas Department of Agriculture
Weights and Measures Program
Maureen Henzler, Technical Specialist
Small Scales, Packages and Price Verification

maureen.henzler@kda.ks.gov
 P.O. Box 19282
 Topeka, KS 66619
 785-862-2415
 785-862-2460 (fax)
<http://www.ksda.gov/weights%5Fmeasures>

Prepared Foods, Sampling and Chef Demonstrations



Prepared Foods

KDA's Division of Food Safety and Lodging regulates the sale of "ready to eat" foods as well as those prepared onsite at farmers' markets.

Ready to eat foods are restaurant-type foods that can be consumed at market, e.g. tamales, bierocks, and sandwiches. (Frozen or refrigerated versions of products, like tamales and bierocks, fall under the regulation of the Kansas Department of Agriculture's Meat and Poultry Inspection.)

Foods prepared on site include such items as kettle corn, grilled meats and the end products of chef demonstrations.

Two licensing options exist to permit the sale of prepared foods at market-Food Service Establishment and Mobile Unit.

Chef Demonstrations

If your market hosts six or fewer chef demonstrations in a calendar year, licensing for a Food Service Establishment or a Mobile Unit is not necessary. Although KDA doesn't require licensing for this limited occurrence, it does require you to follow the provisions for licensing. KDA recommends that a chef do the majority of prep work at a licensed facility.

To learn more about hosting a chef demo at your market, call KDA's Division of Food Safety and Lodging.

The Kansas Rural Center has recently released a chef demonstration publication written by Wichita's Old Town Farmers' Market COO Pat Randleas. Pat covers the components needed to develop, publicize and host a successful chef at market program. Visit the Kansas Rural Center's website to download this no-cost publication:

<http://www.kansasruralcenter.org/publications.html>



Food Service Establishment

Food Service Establishment License is needed for extensive on-site food preparation occurring more than six times in a calendar year. A license is valid for only one location; if you sell at more than one market, it may be better to explore a Mobile Unit License.

Licensing Requirements: The following is a list of minimum facility and environmental requirements for licensing food service establishments:

- Walls, ceilings and floors to protect food from contaminants
- Hot and cold water under pressure to all fixtures
- Hand washing facilities
- Approved ware washing facilities
- Approved sewage disposal
- Employee and/or public restrooms

Mobile Unit

A KDA Licensed Mobile Unit may be the most viable option for a vendor wishing to sell prepared foods at farmers' markets. Mobile Units can vary from concession trailers with full kitchen facilities to push carts. The equipment necessary pass inspection depends on the menu items you will serve.



A pushcart-type of Mobile Unit is usually approved for foods that require little or no onsite preparation. Food preparation must occur in a licensed facility. Depending on items sold, a pushcart may need to have the following built into the unit:

- Hand washing sink with hot and cold water under pressure
- Temperature controlled holding facility for food
- Waste-water holding tank with specific safety features

The unit also needs to be covered by a tent or canopy. Requirements above are examples of equipment Mobile Units may need. There are many other requirements based on what you will serve.

Fees and Application

The fees to open a food service establishment/license a mobile unit include a \$200 license fee and a one-time application fee of \$200. A completed application must be submitted with the appropriate fees prior to operation. In addition, a licensing inspection must be completed and the facility must meet food safety requirements prior to operation and issuance of a food service license. It is illegal to operate a food service establishment without a valid license. Licenses are not transferable to place or person. Ownership of a food service establishment/mobile unit cannot be transferred to another person. Fees are not prorated and all licenses are required to be renewed by December 31 of each year.

Contact Information:

**Kansas Department of Agriculture
Division of Food Safety and Lodging
109 SW 9th St. Topeka, KS 66612
785.296.5600**



Sampling

The KDA permits the distribution of samples at Kansas farmers' markets given:

- Sampling occurs fewer than seven times in a calendar year
- Potentially hazardous foods are not used
- Sample is provided at no cost and is offered to demonstrate its characteristics
- Hand Washing Station is present
- Three-Compartment Sanitizing Station is present
- Sanitary procedures are followed
- Proper food storage temperatures are maintained
- Appropriate tools for dispensing samples are used and adequate trash receptacles are available

Limited Occurrence

KDA requires licensing for persons or groups operating for seven or more days in a calendar year. This rule includes vendors or markets offering samples.

Potentially Hazardous Foods

Potentially hazardous foods include cut melon, certain cheeses, cut tomatoes, raw and cooked meats, eggs, cooked pasta, cooked potatoes.

Sample Defined

A sample is defined as a food product promotion where only a sample of a food (or foods) is offered, free of charge, to demonstrate its characteristics. A whole meal, individual hot dish or whole sandwich is not recognized as a sample.

Three-Compartment Sanitizing Wash Station

Facilities to wash and sanitize all utensils used must be available. KDA recommends the following minimum Three-Compartment Sanitizing Wash Station to conduct sampling:

- Three tubs
- Potable warm water
- Liquid soap

- Approved sanitizer
- Paper Towels

See "Three-Compartment Sanitizing Wash Station" section for use directions.

Hand Washing Station

KDA requires the following minimum Hand Washing Station for sampling:

- 5-Gallon Cooler modified with a free-flow spigot
- Catch basin for waste-water
- Liquid soap
- Paper Towels
- Adequate supply of warm water

See "Hand washing Station" section for direction on modifying a standard 5-gallon cooler with a free-flow spigot.





Sanitary Procedures

- Sampling must occur under cover. A tent or umbrella provides adequate cover if the market itself is not under a structure.
- Samples must not be exposed to insects or other environmental contaminants. A fan or fly screen may be necessary.
- No bare hand contact with ready-to-eat food is allowed. Food handlers must wash their hands with soap and water before donning disposable gloves.
- Cutting boards and knives should be sanitized before use and frequently throughout the sampling process using the Three-Compartment Sanitizing Wash Station

Proper Food Storage Temperatures

Keep hot foods hot and cold foods cold.

- Hot food should be maintained at a minimum of 135° F
- Other food should be maintained at or below 40° F

Critical temperatures for germ growth are 40° to 160°. Dispose of food items left in this range of temperatures for two hours or more. To insure that food items are maintained at the correct temperature, take temperature readings hourly. KDA requires the use of properly calibrated thermometers during sampling.

See “*Calibrating Thermometers*” section for illustration and directions.

Samples

Samples must be:

- Pre-cut
- Protected from insects and other contaminants
- Served individually on plates, in cups or on toothpicks

It is vital that staff or volunteers control access to samples so that customers cannot touch any sample that

is not theirs. Adequate trash receptacles should be provided at sampling site.

There is no temporary food service license available in Kansas. KDA recommends vendors and market staff/volunteers interested in offering samples participate in one of its food safety courses. “Focus on Food Safety” is a two-hour class while “Serve Safe” is a 16-hour course with a written test. Both courses are offered several times a year in different regions of Kansas.

Local health departments as well as municipalities/counties may have additional regulations pertaining to sampling.

Contact Information:

**Division of Food Safety and Lodging
109 SW 9th St. Topeka, KS 66612
785.296.5600**



Hand Washing Station

KDA Division of Food Safety and Lodging requires the following minimum Hand Washing Station Set-Up for any farmers' market event that includes sampling or temporary food service:

- 5-Gallon Cooler modified with a free-flow spigot
- Catch basin for waste-water
- Liquid soap
- Paper Towels
- Adequate supply of warm water
- Trash receptacle

To modify a standard 5-gallon cooler:

- Unscrew the original push-button spigot
- Install a free-flow replacement spigot available for bottled water coolers. These are commonly available at natural food stores and cost \$5-\$8.



photo courtesy of Kentucky Department of Agriculture

Calibrating a Thermometer

Thermometers must be used to assess the proper temperature of food distributed as samples or sold. They should be calibrated before each day's use by:

- Filling a cup with ice
- Adding just enough water to fill the air space just over the thermometer sensor
- Leaving the thermometer in the cup for at least two minutes
- Reading the thermometer. If the thermometer does not read 32°, then adjust according to instructions

Thermometers appropriate for measuring the temperatures of products sold must be used (for hot food, use a 0° to 220° thermometer; for cold or frozen food, use a -40° to 160° thermometer). Critical temperatures for germ growth are 40° to 160°. Dispose of food items left in this range of temperatures for two hours or more. To insure that food items are maintained at the correct temperature, take temperatures once hourly.



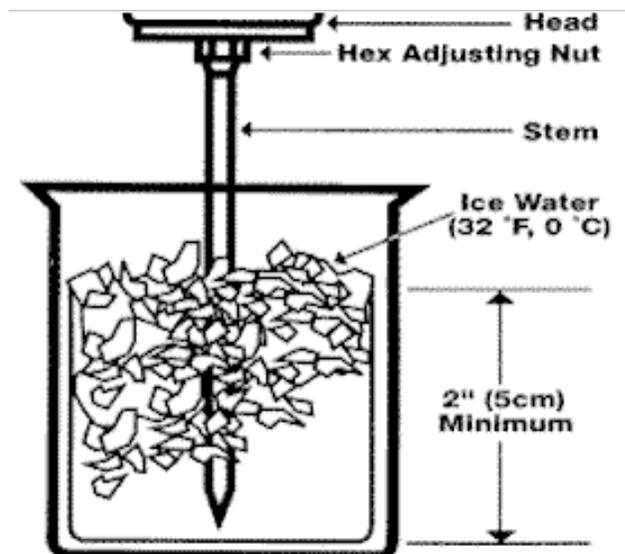
Sanitizing Station

The following Sanitizing Station Set-Up is recommended for any farmers' market event that includes sampling or temporary food service:

- 3 basins
- Liquid soap
- Sanitizing tablets or unscented bleach
- Paper towels
- Adequate supply of warm water

The first basin holds warm, at least 100° F, soapy water for washing. The second basin contains clean rinse water. And the third holds sanitizing solution (one capful bleach per gallon water). Soak utensils in sanitizing solution for a minimum of 60 seconds, remove and place on clean paper towels or racks. Items must be allowed to air dry.

If you are only using a few utensils, you may choose to bring a number of the utensils in a zip lock bag marked as "CLEAN" and bring with you another zip lock bag marked "DIRTY". That way if you drop or soil a utensil a clean one is available and the dirty one can be easily distinguished and isolated.



Resources

Kansas State University’s Food Science Institute
216 Call Hall Manhattan, KS 66506
785.532.4057

<http://www.foodsci.k-state.edu/DesktopDefault.aspx?tabid=1>
 The Food Science Institute facilitates training of traditional and nontraditional undergraduate and graduate students; supports basic and applied research initiatives; and provides technical and scientific information to consumers, the food industry, and governmental agencies.

- The Lab’s staff offers food-related businesses, processors, and entrepreneurs numerous services. These include the following:
- Process requests and inquiries in regard to new food concepts.
 - Assist in the production of new foods
 - Consult on methods of adding value to existing foods.
 - Perform physical, chemical, microbiological, sensory evaluations.
 - Conduct shelf-life tests to determine expiration date.
 - Review product labels for compliance with state/federal guidelines.
 - Generate nutritional information panels.
 - Offer HACCP and food safety training.
 - Act as a "Processing Authority," as defined by the FDA.
 - Answer questions about food processing rules and regulations.
 - Offer publications on food processing issues.

Kansas Rural Center
PO Box 133 Whiting, KS 66552
785.873.3431

<http://www.kansasruralcenter.org/index.html>
 KRC is a non-profit organization that promotes the long-term health of the land and its people through research, education, and

advocacy.
 The KRC cultivates grassroots support for public policies that encourage family farming and stewardship of soil and water. The KRC is committed to economically viable, environmentally sound, and socially sustainable rural culture.
 KRC has several publications pertinent to farmers’ markets available for download or mail order.

Kansas Center for Sustainable Agriculture
3029 Throckmorton Hall Manhattan, KS 66506
785.532.1440

<http://www.kansassustainableag.org/index.htm>
 Kansas SARE Program offers several scholarship and mini-grant programs
 On its Farmers’ Market Resources page, KCSA offers links to agencies, personnel and publications helpful to farmers’ markets and vendors:
<http://www.oznet.ksu.edu/farmersmarkets/Resources.htm>

Maine Federation of Farmers’ Markets
<http://www.snakeroot.net/mffm/>

This website provides many links for resources about farmers’ markets.

Oregon Farmers’ Market Association

<http://www.oregonfarmersmarkets.org/create/library.html>
 This website offers resources for market managers, farmers and customers and provides many links to other resources.

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|--------------------------------|-------------------------------|-------------------------------|-------------------------------|
| Baked Goods 4 | Jam and Jelly 2,6 | Meat | eggs 2, 5, 6 |
| Baluts, 6 | Jerky 7 | as ingredient in ready to eat | meat 7 |
| Bierocks | Labeling Requirements | 2, 9, 11 | Sales Tax 3 |
| ready to eat 2, 11 | baked goods 4 | as ingredient in refrigerated | Salsa |
| refrigerated, frozen 2,7 | dairy 4 | or frozen food 2, 9 | processed (fresh) 2, 9 |
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| as method of sales 9,10 | fruits and vegetables 10 | as a processed product 7 | Sampling 2,13,14,15 |
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The Kansas Rural Center is a private, nonprofit organization that promotes the long-term health of the land and its people through education, research and advocacy. The Kansas Rural Center cultivates grassroots support for public policies that encourage family farming and stewardship of the soil and water. The Rural Center is committed to economically viable, environmentally sound, and socially sustainable rural culture. For more information, contact the Kansas Rural Center at P.O. Box 133, Whiting, Kansas 66552 or (785) 873-3431 or visit <http://www.kansasruralcenter.org/>