

## Food Safety and Regulation Requirements for Farmers Markets & Craft Shows

Last updated March 2021

**Requirement:** No person shall operate a food establishment without a valid permit which sets forth the types of operation occurring within the establishment.

A *'food establishment'* is an operation that stores, prepares, packages, serves, sells, vends, delivers, or otherwise provides food for human consumption. (See the Nebraska Pure Food Act Section 81-2,245.01.)

### What can be sold without a permit?

A food that is not a time/temperature control for safety food such as:

- Fresh whole, uncut fruits and vegetables.
- Baked goods - rolls, breads, cookies, cupcakes, pies that do not have a dairy based filling, homemade granola product, etc. (A clearly visible placard is required at the sale location stating the food was prepared in a kitchen that is not inspected or licensed by the regulatory authority.)
- Traditional jams and jellies. (A clearly visible placard is required at the sale location stating the food was prepared in a kitchen that is not inspected or licensed by the regulatory authority.)
- Eggs from local producers. An "egg number" must be obtained from the Nebraska Department of Agriculture (at no charge). Eggs must be maintained at 45° F.
- Canned pop, and commercially packaged snack items, such as candy bars and chips
- Fresh or dried herbs.

### What cannot be sold at a farmers market without a permit? You must have a permit to sell:

- Home canned products such as meat, fruits, vegetables (green beans, tomatoes), pickles (all low acid canned foods)
- Salsa
- Raw (unpasteurized) milk and / or cheese and yogurt made from unpasteurized milk
- Meat, poultry, game meat
- Cheese
- Cream pies and other dairy based filling pies
- Butter type spreads (example: apple butter), jams and jellies that have jalapeno or other added ingredients; vegetable jellies such as rhubarb jelly made with pectin, not- gelatin, can be sold without a permit.)
- Any food that due to the interaction of pH and aW (water activity) will not control the growth of vegetative cells and spores of pathogenic microorganisms.

### How are products to be sold? By count? By the pound?

For specifics, contact the Nebraska Department of Agriculture's Weights and Measures Program at 402-471-3422. You may be required to have a certified scale to weigh your products.

### Are handwashing facilities required?

Handwashing is required when exposed foods are handled, such as slicing or cutting fruits or vegetables for sampling purposes.

## What labeling is required?

All packaged foods must be properly labeled with the common name of the product, name and address of the producer, packer or distributor, net contents, and list of ingredients in descending order of predominance by weight. Meat processed at a USDA inspected plant must have the USDA identification number on the package.

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## Types of Permits

Permits and inspections are required for **all commercial food establishments**, such as stands that sell fountain pop and sandwiches, foods, and drinks purchased on-site, and for operations selling cooked time/temperature control for safety foods, such as meat, poultry, and game animals. These vendors must meet the requirements for their particular type of operation, as found in the Nebraska Pure Food Act and the Nebraska Food Code.

### *Temporary food establishment*

- Issued to any individual preparing items such as sandwiches and open drinks. A one-time permit fee and an annual inspection fee are required.
- Example: Prepared food and drinks (tea, hamburgers, fountain pop, etc.)/

### *Itinerant food vendor permit*

- Issued to any individual selling prepackaged time/temperature control for safety items, including poultry, fish, and meat items. A one-time permit fee and an annual inspection fee are required.
- Example: Meat (beef, pork, lamb and goat). Commercial game meat (pheasant, buffalo, fish, rabbit).

### *Mobile food units or pushcart* (There must also be a commissary permit with this.)

- Issued to any individual operating a mobile food unit or pushcart that returns daily to a commissary ... A one-time permit fee and an annual inspection fee for each unit are required.
- Example: Ice cream novelties/

### *Limited food service establishment*

- Issued to anyone that serves or otherwise provides only snack items or commercially prepared and wrapped foods that require little or no preparation. A one-time permit fee and an annual inspection fee are required.
- Example: Commercially packaged microwavable sandwiches.

An individual may also fall into the category of a *single event food vendor*, which is a temporary food establishment that operates at no more than one event per calendar year for a period of no more than two days. (No permit is required but a waiver form must be completed.)

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## Requirements to Sell Specific Items

### Red Meat: Permit required

- Must be slaughtered, processed, and packaged under USDA inspection (not a custom-exempt plant).
- Must be packaged and be labeled with USDA Est. #, name, and address of producer, packer or distributor, weight, price per pound, and total price, as well as, safe handling information.
- Must be maintained refrigerated or frozen.

- A custom exempt plant can take USDA inspected meat and “process the USDA inspected meat” and remain in control of the product and sell it to the end consumer, such as at a Farmer Market. For USDA FSIS to allow this, the custom exempt plant needs an NDA “retail establishment” permit (03A). USDA will allow a retail exemption of making a meat product and selling it to the end consumer, if there is an NDA retail permit and the person remains in control of the product. (The product cannot be sold wholesale – sold to someone else who will sell it again.) The product needs to be correctly labeled, but it will not have a USDA “seal” on it, since it is being made under state inspection. (When selling at the Farmer Market, the custom exempt plant would need the Itinerant Food Vender permit added to the retail establishment permit.)

**Poultry: Permit required**

- Must be slaughtered and processed in a USDA facility or a facility under state inspection, if birds are of own raising.
- Must be packaged with USDA exemption statement, name, and address of producer, packer or distributor, weight, price per pound, and total price, as well as, safe handling information.
- Must be maintained refrigerated or frozen.

**Game animals (includes rabbits, fish, buffalo, pheasants, etc.): Permit required**

- Must be slaughtered and processed in a USDA facility or a facility under state inspection. (Game animals are not amenable to USDA regulations; therefore, inspection by the USDA is not required. An NDA permit would be required)
- Must be packaged with name, address of producer, packer or distributor, weight, price per pound, and total price, as well as safe handling information.
- Must be maintained refrigerated or frozen.

**Eggs: Egg number required**

- From own flock, must be clean, candled for quality, have Nebraska Egg Code Number, kept at 45° F or below and labeled with the owner’s name, address and the Nebraska Egg Code Number.

**Morel mushrooms and sprouts:**

- Call the Nebraska Department of Agriculture for specific guidelines.

**How to obtain a permit?**

Call the NDA Food Safety and Consumer Protection Focus Area at 402-471-3422 or the local sanitarian working in the county you are located. A map of inspection areas is available online at [https://nda.nebraska.gov/fscp/foods/inspection\\_areas.html](https://nda.nebraska.gov/fscp/foods/inspection_areas.html). A plan review and a preopening inspection are required.