



Farmers Market Guide to Licensing and Sales Tax

If you participate in farmers markets across the state, there may be licensing or regulatory requirements for your stand – including a Retail Food Facility license (PA Dept. of Agriculture) or State Sales Tax license (PA Dept. of Revenue). This document is designed to serve as a check-list for vendors who sell at farmers markets.

If you sell:

Raw Agricultural Products (fruits and vegetables from the farm for the purpose of consumption)

- You are EXEMPT from the retail food facility license fee
- License fee-exempt vendors are still subject to inspection by the department when inspectors are on-site at farmers markets to ensure products comply with the exemption requirements and that foods meet the requirements of the food code
- You must have sanitizing hand wipes on-site at your stand for use by employees
- These products are generally exempt from the state sales tax collection

Pre-Packaged, Non-Potentially Hazardous Food (this may include packaged baked goods, jams, candy, canned pickled food products, some bottled juices, apple cider, honey products, etc.)

- You are EXEMPT from the retail food facility license fee, however a Retail Plan Review Application must be filed with the PA Department of Agriculture
- All products must be made in a kitchen/facility inspected and registered by the PA Department of Agriculture (if made out of state, must be inspected in the state of production)
- All products must be appropriately labeled:
 - o Raw agricultural products do not have to be labeled
 - o Food products, including pre-packaged food items prepared by a Limited Food Establishment, must be labeled with the name of the product, a listing of all ingredients, name and address of the manufacturer or distributor, net contents/weight and any applicable allergy warnings
 - If you make a bakery product from scratch, mix or bake-off and are selling the product yourself, no labels are required, although a list of ingredients must be available to consumers upon request
- Some pre-packaged, non-potentially hazardous food items are subject to PA sales tax; contact the PA Department of Revenue with further questions
- You must have sanitizing hand wipes on-site for use by employees

If you sell both raw agricultural products and pre-packaged, non-potentially hazardous foods together, you DO NOT NEED a retail food facility license, but must submit an application and be inspected.

Pre-Packaged, Potentially Hazardous Food (items that are temperature sensitive such as meats, cheese, milk or eggs)

- You MUST have a retail food facility license from the PA Department of Agriculture or Local or County Health Department
 - o If you have not previously secured a license, you must complete and file a Retail Plan Review Application with the Department or local health officer. The cost is \$103 for a new license and \$82 for annual renewals or change of ownership if licensed by the Department
 - o New applications should be completed well in advance of the opening date of the market (at least four to six (4-6) weeks)
- If all food is pre-packaged (such as packaged meats), you will need a system for washing equipment; this can be established in coordination with the department's food safety inspector or the local health officer
- You will need a handwash sink that can provide 100 degrees Fahrenheit water, has soap and towels present, and signage reminding food handlers to wash hands
- Shell eggs must meet Pennsylvania Egg Refrigeration Law standards
- Some pre-packaged, potentially hazardous food items are subject to PA sales tax; these are typically products that are considered "ready-to-eat" and do not include pre-packaged meat, eggs, cheese or milk. Contact the PA Department of Revenue with further questions.

Ready-To-Eat Foods and/or stands that are handling NON-packaged foods of any kind

- You MUST have a retail food facility license from the PA Department of Agriculture or Local Health Department
- "Necessary Equipment" will include appropriate sink/water access and detergent-sanitizer to wash, rinse and sanitize food equipment; details can be provided by the department's food inspector or local health officer
 - o Vendors selling ready-to-eat food must also have a handwashing station (not the sink utilized in the rest room) that can reach 100 degrees Fahrenheit and has soap and towels present, along with signage reminding food handlers to wash their hands
- You MUST have a PA sales tax license, as required by law

Vendors who sell at multiple farmers markets in PDA jurisdiction and must have a retail food facility license may be eligible for a "Mobile Unit" license through the PA Dept. of Agriculture. This license would apply only where the department has inspection authority.

For More Information Regarding Act 106/Retail Food Facility Licenses	For More Information Regarding Sales Tax Licenses
PA Department of Agriculture (717) 787-4315 – Harrisburg	PA Department of Revenue (717) 787-1064 - Harrisburg

* All information is specific to licenses issued by the PA Dept. of Agriculture and may not apply to licenses that may be required by county or Local Health Departments.

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