

Guidelines for Farmers' Markets and Cottage Food Vendors – 2020

This is a summary of what is allowed and what is required of you, the vendor, for sale of food at farmers markets. In Illinois the primary statutes that apply to routine food sales at a farmer's market are 410 ILCS 625/ 3.3, 3.4, 3.5, and 4. We recommend reading those sections.

FARMERS MARKETS

A) Fresh Whole Fruit and Vegetables:

- Sale of fresh whole produce that has not been processed beyond harvesting and minimal removal of soil and has not been made "ready to eat" does not require a permit.
- Sampling of fresh produce requires produce to be made ready to eat by further cleaning of the product and requires one of the following:
 - 1) a sampling certificate from Illinois Department of Public Health **or**
 - 2) a permit from McLean County Health Department.

B) Meat, Eggs, Cheese, or other TCS foods

A **TCS** food requires **Temperature Control for Safety**. A permit from the McLean County Health Department is required for sale of **TCS** foods, such as meat, eggs, or cheese. This product must be from an approved source, meet all labeling requirements, and must be held at 41° F or less. Department of Agriculture licenses for these products must be submitted with the McLean County Health Department permit application.

C) Other agricultural product that is allowed for sale at farmers market as stated below in 410 ILCS 625/3.3. (4)

(4) Produce and food products coming within the scope of the provisions of this Section shall include, but not be limited to, raw agricultural products, including fresh fruits and vegetables; popcorn, grains, seeds, beans, and nuts that are whole, unprocessed, unpackaged, and unsprouted; fresh herb springs and dried herbs in bunches; baked goods sold at farmers' markets; cut fruits and vegetables; milk and cheese products; ice cream; syrups; wild and cultivated mushrooms; apple cider and other fruit and vegetable juices; herb vinegar; garlic-in-oil; flavored oils; pickles, relishes, salsas, and other canned or jarred items; shell eggs; meat and poultry; fish; ready-to-eat foods; commercially produced prepackaged food products; and any additional items specified in the administrative rules adopted by the Department to implement Section 3.3 of this Act.

Registration as a Cottage Food Vendor and/or a permit from the McLean County Health Department may be required for sale of some items. Please see next page for Cottage Food Vendor information.

COTTAGE FOOD

- A Cottage Food Vendor must register annually with the county where the vendor lives, and the vendor must have a current Certified Food Protection Manager certification.
- Sampling Cottage Food Product requires a sampling certificate from Illinois Department of Public Health **or** a permit from McLean County Health Department.
- Contact the Health Department for information on being a Cottage Food Vendor. Information is available on the Health Department web site. The Cottage Food Act can be referenced on line in the Illinois Compiled Statutes, 410 ILCS 625/4

Contact the Environmental Health Division to discuss the sale of any of the food items on the below list (309) 888-5482 or email mclean.eh@mcleancountyil.gov.

Food Not Allowed Under Cottage Food

- Meat, poultry, fish, seafood, or shellfish
- Dairy except as an ingredient in a non-potentially hazardous baked good or candy, such as caramel
- eggs, except as an ingredient in a non-potentially hazardous baked good or in dry noodles
- pumpkin pie, sweet potato pie, cheesecake, custard pie, crème pie, and pastries with potentially hazardous filling or topping
- garlic in oil or oil infused with garlic, *except if the garlic oil is acidified*
- canned foods, except for the following which may be canned in Mason-style jars with new lids:
 - fruit jam, fruit jelly, fruit preserves, fruit butter
 - syrup
 - whole or cut fruit canned in syrup
 - acidified fruit or vegetables not prepared and offered for sale in compliance with the Cottage Food Act
 - Condiments such as prepared mustard, horseradish, or ketchup that do not contain ingredients prohibited under the Act and that are prepared and offered for sale in compliance with the Act
- Sprouts
- Cut leafy greens, except for cut leafy greens that are dehydrated, acidified, or blanched and frozen
- Cut or pureed fresh tomato or melon
- Dehydrated tomato or melon
- Wild harvested, non-cultivated mushrooms
- Alcoholic beverages
- Kombucha

NOTE: FOODS INFUSED WITH CANNABIS/HEMP OR CANNABIS DERIVED PRODUCTS, SUCH AS CBD, ARE NOT ALLOWED TO BE SOLD UNDER FARMERS MARKETS OR COTTAGE FOOD STATUTES.

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