

Guidelines for Farmers' Markets and Cottage Food Vendors – 2022

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.

(1.5) A cottage food operation **shall not sell or offer to sell** the following food items or processed foods containing the following food items, except as indicated:

(A) meat, poultry, fish, seafood, or shellfish.

(B) dairy; **except** as an ingredient in a non-potentially hazardous baked good or candy, such as caramel, subject to paragraph (4), or as an ingredient in a baked good frosting, such as buttercream

(C) eggs, **except** as an ingredient in a non-potentially hazardous food, including dry noodles, or as an ingredient in a baked good frosting, such as buttercream, **if the eggs are not raw.**

(D) pumpkin pies, sweet potato pies, cheesecakes, custard pies, cream pies, pastries with potentially hazardous fillings or toppings.

(E) garlic in oil or oil infused with garlic, **except** if the garlic oil is acidified.

(F) low acid* canned foods.

(G) sprouts.

(H) cut leafy greens, **except** for cut leafy greens that are dehydrated, acidified, or blanched and frozen.

(I) cut or pureed fresh tomato or melon.

(J) dehydrated tomato or melon.

(K) frozen cut melon.

(L) wild-harvested, non-cultivated mushrooms.

(M) alcoholic beverages.

(N) 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.

Approved recipes for tomato products and other foods: National Center for home food preservation, U of I Extension Office

0401/cottage Food/2022 guidelines