

Ohio Administrative Code

Chapter 901:3-6

Farm Markets and Auctions

901:3-6-01 Authority of the director of agriculture; Definitions.

(A) Pursuant to section 3717.221 of the Revised Code, the director shall administer the applicable provisions of Chapter 901:3-6 of the Administrative Code to farm markets, farmers' markets, and farm product auctions that have registered with the Ohio department of agriculture. A farm market or farm product auction as defined in paragraph (B) of this rule that is not registered with the Ohio department of agriculture shall be licensed and regulated pursuant to Chapter 3717. of the Revised Code as a retail food establishment. Participants at an unregistered farmers' market shall be licensed and regulated pursuant to Chapter 3717. of the Revised Code as a retail food establishment. A farm market, farm product auction or a farmers' market participant who does not meet the definitions in paragraph (B) of this rule shall be licensed and regulated pursuant to Chapter 3717. of the Revised Code as a retail food establishment.

(B) Definitions:

As used in Chapter 901:3-6 of the Administrative Code:

- (1) "Adulterated" has the meaning stated in section 3715.59 of the Revised Code.
- (2) "C.F.R." means code of federal regulations.
- (3) "Cottage food production operation" as defined in section 3715.01 of the Revised Code.
- (4) "Director" means the director of the Ohio department of agriculture or designee.
- (5) "Farm market" means a producer operated facility where only one or more of the following food items are offered for sale:
 - (a) Fresh unprocessed fruits or vegetables;
 - (b) Products of a cottage food production operation;
 - (c) Maple syrup, sorghum, or honey that is produced by a maple syrup or sorghum producer or beekeeper described in division (A) of section 3715.021 of the Revised Code;
 - (d) Commercially prepackaged food that is not potentially hazardous, on the condition that the food is contained in displays, the total space of which equals less than one hundred cubic feet on the premises where the person conducts business at the farm market;
 - (e) Cider and other juices manufactured on site at the farm market;
 - (f) Raw eggs, raw poultry, and raw non-amenable meat on the condition that those products were produced by the farm market operator, and further conditioned that, with respect to the

eggs offered from the location where the eggs are produced, the farm market operator annually maintains five hundred or fewer birds, and with respect to the dressed poultry offered from the location where the poultry is raised, the farm market operator annually raises and slaughters one thousand or fewer chickens, or two hundred fifty or fewer turkeys.

(6) "Farmers' market" means a location where producers congregate to offer food items for sale.

(7) "Farmers' market participant" means a producer who offers one or more of the following food items for sale at a farmers' market:

(a) Fresh unprocessed fruits and vegetables;

(b) Products of a cottage food production operation;

(c) Maple syrup, sorghum, or honey that is produced by a maple syrup or sorghum producer or beekeeper described in division (A) of section 3715.021 of the Revised Code;

(d) Commercially prepackaged food that is not potentially hazardous, on the condition that the food is contained in displays, the total space of which equals less than one hundred cubic feet on the premises where the person conducts business at the farmers' market.

(8) "Farm product auction" means a location where only one or more of the following products are offered for sale at auction:

(a) Raw eggs, raw poultry, or raw non-amenable meat species on the condition that, with respect to the eggs offered, the producer annually maintains five hundred or fewer birds, and with respect to the dressed poultry, the producer annually raises and slaughters one thousand or fewer chickens, or two hundred fifty or fewer turkeys.

(b) Fresh unprocessed fruits or vegetables;

(c) Products of a cottage food production operation;

(d) Maple syrup, sorghum, or honey that is produced by a maple syrup or sorghum producer or beekeeper described in division (A) of section 3715.021 of the Revised Code.

(9) "Home" as defined in section 3715.01 of the Revised Code.

(10) "Misbranded" has the meaning stated in section 3715.60 of the Revised Code.

(11) "Non-amenable meat" means any species other than cattle, sheep, swine, goats, horses, mules, other equines, ratites (emu, rhea, and ostrich), and domesticated poultry (turkey,

chicken, ducks, geese, and guinea fowl). Examples of non-amenable species includes farm raised mammals such as bison, rabbit, and deer.

(12) "Potentially hazardous food" has the meaning stated in division (A)(19) of section 3715.01 of the Revised Code.

(13) "Producer" means a person who raises agricultural products on land the person owns or leases by themselves.

(14) "Egg" means the shell egg of avian species such as chicken, duck, goose, guinea, quail, ratites, or turkey. It does not include a balut: the egg of reptile species such as alligator; or an egg product.

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901:3-6-02 Food.

- (A) Food shall be obtained from sources that comply with law.
- (B) Food shall be labeled as specified in law, and shall be honestly presented in a way that does not mislead or misinform the consumer.
- (C) Eggs shall be clean and sound.
- (D) Ice used as a cooling medium shall be made from water that complies with rule 901:3-6-06 of the Administrative Code.
- (E) All food products shall be safe, unadulterated, and honestly presented. Food or color additives, colored overwraps, or lights may not be used to misrepresent the true appearance, color, or quality of a food.
- (F) Food shall be protected from contamination.
- (G) Eggs shall be maintained at an ambient air temperature of forty-five degrees Fahrenheit or less.
- (H) Poultry and non-amenable meats shall be maintained frozen or at an internal temperature of forty-one degrees Fahrenheit or less.
- (I) Food that is unsafe, adulterated, or not honestly presented shall be discarded.
- (J) Except for whole and intact raw agricultural products, foods shall not be displayed or stored on the ground.
- (K) Cider and other juices manufactured on site of a farm market shall be processed in accordance with the good manufacturing practices established in Chapter 901:3-1 of the Administrative Code.

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901:3-6-03 Equipment and Facilities.

(A) Except as specified in paragraph (A)(1), (A)(2), and (A)(3) of this rule, foods requiring refrigeration or freezing shall be held in mechanical refrigeration or freezer units at temperatures specified in rule 901:3-6-02 of the Administrative Code.

(1) At a farm product auction fresh dressed poultry may be held for auction by submersion in crushed ice.

(2) At a farm product auction frozen non-amenable meats may be held frozen by the use of adequate amounts of dry ice.

(3) At a farm product auction eggs may be held for auction in a cooler with adequate amounts of bagged ice or gel packs.

(B) Toilet facilities shall:

(1) Be readily accessible to farm market and farm product auction personnel.

(2) Be readily accessible to farmers' market personnel when the farmers' market is open more than four consecutive hours.

(C) All equipment and facilities used in a farm market, farmers' market, and farm product auction shall be maintained and clean.

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901:3-6-04 Wash, rinse, and bactericidal treatment.

(A) Each farm market or farm product auction that offers raw poultry, non-amenable meats or both for sale shall clean and sanitize utensils and food contact surfaces of equipment used in the preparation, display, and sale of the raw poultry and non-amenable meats in:

- (1) A three-compartment sink;
- (2) A two-compartment sink; or
- (3) If approved by the director, receptacles that substitute for compartments of a multi-compartment sink; or
- (4) Another method approved by the director.

(B) The following procedure shall be used to manually wash, rinse, and sanitize utensils and food contact surfaces of equipment in a three step process:

- (1) In the first compartment, equipment and utensils shall be thoroughly washed in a detergent solution that is kept clean;
- (2) In the second compartment, equipment and utensils shall be rinsed free of detergent and abrasives with clean water;
- (3) In the third compartment, equipment and utensils shall be sanitized by either immersion for at least one half minute in clean hot water at a temperature of at least one hundred seventy degrees Fahrenheit; or immersion for at least thirty seconds in a clean solution containing at least fifty parts per million of available chlorine as a hypochlorite. Equipment too large to sanitize by immersion may be rinsed, sprayed, or swabbed with a solution of one hundred parts per million chlorine.

(C) The following procedure shall be used to manually wash and sanitize utensils and food contact surfaces of equipment in a two step process:

- (1) In the first compartment, equipment and utensils shall be immersed and thoroughly washed with an approved detergent-sanitizer solution that is kept clean;
- (2) In the second compartment, equipment and utensils shall be immersed and thoroughly sanitized with an approved detergent-sanitizer solution that is kept clean.

The same approved detergent-sanitizer product shall be used for both the cleaning and sanitizing steps.

(D) A chemical sanitizer shall be used according to the manufacturer's label.

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901:3-6-05 Hand washing.

(A) Personnel shall wash their hands to prevent the contamination of food, especially after using the toilet room or handling raw meat or poultry.

(B) Except as permitted in paragraph (C) of this rule, handwashing facilities shall consist water as defined in rule 901:3-6-06 of the Administrative Code, soap, and disposable towels.

(C) Based upon the types of food products being offered for sale and the amount of food handling at the facility, the director may approve an alternative method of handwashing, such as the use of alcohol towelets or a non-permanent handwashing facility.

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901:3-6-06 Water supply.

Water from a non-municipal supply, provided for hand washing and cleaning shall be tested annually to determine that the water is negative for total coliform.

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901:3-6-07 Right of entry.

A person or government entity operating a farm market, a farm product auction, a farmers' market, or a stand at a farmers' market, shall permit the director to inspect , for the purpose of determining compliance with this chapter or investigating a complaint. On request of the director, the operator of the farm market, farmers' market, or a stand at a farmers' market, or a farm product auction shall permit the director to examine their records to obtain information about the purchase, receipt, or use of food, supplies, and equipment.

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901:3-6-08 Retail Food Establishment Referral.

When a farm market, farm product auction, or participant at a farmers' market is offering food products for sale that are of a type or that exceed the scope of those permitted in rule 901:3-6-01 of the Administrative Code, the director shall refer the licensing and regulation of such facility to the local board of health with jurisdiction. Such facility will be assessed and regulated under Chapter 3717 of the Revised Code.

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