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Wednesday April 4, 2007

Farmers markets get new flexibility

By **ANN R. HARNEY**
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Farmers market vendors will have another avenue for the sale of their products, thanks to a law passed by the legislature this session.

Vendors have been able to prepare and sell cooked food at farmers markets, but only for a limited period of time. The General Assembly lengthened the time from two weeks to six months, but set out other rules governing the process.

In previous years, those selling cooked foods at farmers markets could get a temporary permit allowing vendors to prepare and sell their products for 14 days. Once that time was over, the vendors had to wait 30 days before getting another temporary permit for another 14-day period.

House Bill 120 allows farmers market vendors to apply for a permit to market their goods for six consecutive months. Many of the regulations attached to this new law have yet to be written.

The state board of health will issue the permits and write most of the regulations and that department, along with the state agriculture department, are assisting farmers interested in these permits.

Janet Eaton, a farmers market specialist with the state agriculture department, said the law applies only to farmers markets and does not replace the temporary food service permit. That permit will continue to be issued for vendors at festivals and fairs. The new law pertains only to farmers markets.

One regulation already established may be a source of consternation for vendors. Although some farmers markets are open more than two days a week, people with the new permit can only operate two days a week.

Why?

"Then you're a restaurant," Eaton said about being able to prepare and sell their goods every day.

Competition with restaurants

The reasoning behind that regulation is not to put farmers market sellers in direct competition with restaurants, which have stricter regulations for the preparation and sale of food.

Guy Delius, of the Kentucky Department of Public Health, said farmers can set up

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their facilities for preparing and selling food, and a state health department employee will inspect the setup. If it passes muster, a permit can be issued on the spot. If the farmer does not meet the regulations, the inspector will return for a repeat inspection.

The bill had many sponsors and supporters and sometimes is called the Omelet Bill, named because a Jefferson County farmer made omelets for customers at a Louisville farmers market on Saturday mornings.

"The problem was cooking it on site," Eaton said. "He had been doing it for a while and it was a big draw to this market." Regulators put a stop to it and that, among other issues for such vendors was one of the reasons the bill was introduced to the General Assembly.

Eaton said that vendors with catering permits can prepare the foods at home and take them to the farmers market for sale. She referred to the board of health for the regulations that have yet to be written.

"Their mission is food safety, and they're going to fulfill their mission," Eaton said.

For their part, the board of health is not in the farming business, but the board's members and employees want to assist farmers.

"We worked with the sponsors," Delius said. "Our department is very cognizant of the struggle of the family farms and are happy to do what we can to help them market their goods."

What you should know

Although not all of the regulations affecting people preparing and selling foods at farmers markets have been written, some requirements have been set out:

* The farmers market where food is prepared and sold must be registered with the state.

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- * Preparers and sellers must be farmers.
- * Permit holders can operate only two days a week.
- * Vendors must take a course in food safety training, usually conducted at local health departments. The training can last from four hours to all day.
- * The permits are not for roadside stands. They will be issued only to farmers market vendors.
- * These permits do not replace temporary permits for festivals and fairs. |4/4/07|***

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