



Permits/Licenses/ Certificates Required for Farmers' Market Sellers

The following is a checklist that will help you to understand the permits, licenses and certificates that are required of sellers of various products commonly found in farmers' markets. This checklist is not exhaustive but is a general guideline. Please consult the inspection agencies listed at the end further assistance.

Fresh Produce

- No permits, licenses or certificates required, if raw, uncut, and unprocessed.

Plant Sales – only one nursery license is required and must be posted in public view at the time of sale.

- NYS Department of Agriculture & Markets Nursery Growers License, if engaged in the production of plant material intended for sale. A nursery grower is also permitted to purchase and resell plant material under this same license.
- NYS Department of Agriculture & Markets Nursery Dealers License, if purchasing and reselling plant material only and the vendor is not involved in any growing of potted plant material
- Valid NYS Sales Tax Certificate

Eggs

- No permits, licenses or certificates required, for cleaned shell eggs maintained at 45 degrees F or less. Eggs must be from farm owned hens (not purchased eggs).

Honey, Maple Syrup

- No permits, licenses or certificates required, if single ingredient products.
- Article 20C License from NYS Dept. of Agriculture & Markets, if additional ingredients are added to the products; i.e. maple mustard, maple cotton candy, etc.

Baked Goods

- 20C Exemption from NYS Dept of Agriculture & Markets if home baked, non-hazardous; ie. Bread (no breads containing fruits or vegetables), rolls, cookies, cakes, brownies, fudge & double crust fruit pies. (Quickbreads are considered potentially hazardous and cannot be done under 20C Exemptions.) No internet sales or advertising allowed.
- Article 20C License from NYS Dept. of Agriculture & Markets on all other baked products provided the business does 51% of its sales at wholesale. (Requires a separate, commercial kitchen.)
- All other baked goods must come from a licensed NYS Department of Health facility.

Mushrooms

- Cultivated mushrooms, sold whole or otherwise processed, require no license.
- Cultivated mushrooms, sliced, chopped, washed and identified as ready to eat or any other processing requires an Article 20-C license.
- Mushroom species picked in the wild shall be obtained from sources where each mushroom is individually inspected and found to be safe by an approved mushroom identification expert prior to sale. At this time, there are no approved mushroom experts in New York State.

Non Alcoholic Cider/Fruit Juice

- ❑ Article 20C License from NYS Dept of Agriculture & Markets for manufacturers/bottlers.
- ❑ All cider and fruit juices must be pasteurized or UV treated.

New York State Wine, Beer & Liquor

All NYS Alcohol Vendors must enforce age restrictions regarding sales by the bottle and sampling at farmers markets. To offer samples, you must have a one time or annual tasting permit from the State Liquor Authority (SLA). All alcohol vendors also need Valid NYS Sales Tax Certificate and must submit their brand label for approval (<http://www.sla.ny.gov/brand-labeling-1>). To sell by the glass, you'll need a SLA special events permit (<http://sla.ny.gov/online-permit-applications>).

Farm Brewery License – Beer producers sourcing 20% or more of their ingredients from New York State farms are eligible for a Farm Brewery License which allows them to produce beer in NYS.

- ❑ No other State Liquor Authority (SLA) license is needed for farm breweries to sell NY labeled beer by the bottle at farmers markets as defined above.

Craft Breweries – Beer producers making 60,000 barrels or less per year with any ingredients can get a Craft Brewery License.

- ❑ Craft Breweries can sell at Farmers Markets with either a no-fee permit from the NYS Liquor Authority OR a marketing Permit:

No Fee Permit: <http://www.sla.ny.gov/system/files/BrewerOffPremisesPermit.pdf>

Marketing Permit: <http://sla.ny.gov/online-permit-applications>

Farm Wineries or Micro Wineries – Farm Wineries produce 150,000 gallons or less per year whereas Micro Wineries produce 1,500 gallons or less per year. Both licenses require wines to be made from 75% grapes, fruits, or other agricultural products made in NYS.

- ❑ No permit is needed from SLA for licensed Farm and Micro Wineries to sell at farmers markets, however the market itself must apply for an official farmers market designation with the Department of Agriculture and Markets. The farmers market designation should be kept on hand at every market/event. Contact the Brooklyn office listed at the end of this guide for instructions on applying for an official designation.

Farm Cidery – A Farm Cidery License from the SLA is for those producing 150,000 gallons or less of cider per year and cider must be NYS labeled. In order to be NYS labeled the product must be made exclusively from apples or other pome fruits grown in NYS. Cider is defined as partially or fully fermented juice of fresh, whole apples or other pome fruits, 3.2 – 8.5 % alcohol with nothing added that increases alcoholic content produced by natural fermentation, but it may be sweetened or flavored after fermentation. In many cases, cider may also be labeled as a low-alcohol or high-alcohol wine.

- ❑ A cider producer with a permit to conduct tastings may sell their cider at a NYS farmers market where they are conducting a tasting.

Farm Distilleries - Farm Distilleries produce 35,000 gallons or less of spirits per year and use 75% or more New York State ingredients.

- ❑ In addition to the Farm Distillery license, a Marketing Permit is needed to sell distilled products by the bottle at NYS farmers markets: <http://sla.ny.gov/online-permit-applications>.

Processed Foods

- ❑ Home Processors are eligible for an Article 20-C Exemption from NYS Dept. of Agriculture & Markets, for non-hazardous foods only, including traditional fruit jams, jellies and marmalades; candy (excluding chocolate); spices and herbs repackaging only); and snack items such as popcorn, caramel corn and peanut brittle. Information on registering as a Home Processor in New York can be found on the website, <http://www.agriculture.ny.gov/FS/consumer/processor.html>, or by calling one of the Regional Offices.
- ❑ Article 20C License from NYS Dept of Agriculture & Markets, prepackaged and labeled in accordance with NYS Food Labeling Law: Identity of food in package form; name of manufacturer, packer or distributor; place of business; ingredient declaration in descending order of predominance by weight; and net quantity of contents.
- ❑ County Board of Health Permit if processing is on-site; i.e. cutting of baked goods to be sold by the piece, slicing of cheese to be sold by the pound; cooking and selling ready-to-eat foods
- ❑ Home processing of canned fruits and vegetables is not permitted. All canned fruits and vegetables must be done under 20C License and registered with the Federal government as a food processor.
- ❑ Article 20C License from NYS Dept. of Agriculture & Markets is required for dehydrating herbs and spices or for the blending of any spices for repackaging.

Meats – License is required if grinding or processing. License is not required for cutting.

Red Meat (Beef, lamb, goat)

- ❑ USDA slaughtered and/or processed must have USDA legend
- ❑ Article 28D License required if warehousing for wholesale
- ❑ Must be maintained at 0°F or below if sold frozen. 40°F if sold fresh.

Chicken

- ❑ License not required to sell 250 turkeys or 1000 birds of other species.*
 - ❑ No license required if USDA slaughtered.
 - ❑ Article 28 License if warehousing for wholesale accounts.
 - ❑ Article 5A license required if selling over 250 turkeys or 1000 birds of other species.*
- * 250 turkeys or 1000 birds of other species processed annually.

Exotic Meat

- ❑ Must be slaughtered at an Article 5A licensed establishment.
- ❑ Must be labeled “Processed at an NYSDAM facility.”
- ❑ Article 28 License required if warehousing for wholesale accounts, if not licensed under Article 5A.

Processed Meats

- ❑ Article 20C license from the NYS Dept. of Agriculture & Markets

Fish

- ❑ No permit, license or certificate is required if a freshwater fisherman is selling only whole, non-protected species.
- ❑ Article 20C License from NYS Dept of Agriculture & Market if fish is pan-ready.
- ❑ NYS DEC hatchery permit required if selling protected freshwater species.
- ❑ NYS DEC permit required if re-selling any protected freshwater species.
- ❑ NYS DEC Food Fish License to catch and sell marine fish.
- ❑ NYS DEC Food Fish and Crustacean Dealers & Shippers License to resell marine fish purchased from a licensed fisherman

Dairy

Cheese & Other Dairy Products (such as yogurt, butter, sour cream)

- ❑ For producers, Part II Permit, issued by the NYS Dept. of Agriculture & Markets Division of Milk Control and Dairy Services.
- ❑ If cut and wrap cheese, need Part II Permit issued by Division of Milk Control and Dairy Services unless part of a food establishment regulated by Division of Food Safety, in which case just need Article 20C License.

Milk and Fluid Milk Products (such as 2%, 1% and non-fat milk)

- ❑ Milk must be pasteurized.
- ❑ Producer must have Part II Permit issued by Division of Milk Control and Dairy Services.
- ❑ Producer and any distributor must have a Milk Dealers license issued by Division of Milk Control and Dairy Services unless amount handled is less than 3000 pounds per month

Grains and Legumes (prepackaged – cannot be packed on site)

- ❑ No permits, licenses or certificates are required.

Fresh Cut/ Dried Flowers

- ❑ Valid NYS Sales Tax Permit

Crafts

- ❑ Valid NYS Sales Tax Permit

For additional information, call:

NYS Dept. of Agriculture & Markets, Division of Food Safety:

Albany Region: 518-457-5459

Syracuse Region: 315-487-0852

Rochester Region: 585-427-2273

Buffalo Region: 716-847-3185

New York City: 718-722-2876

NYS Dept. of Agriculture & Markets, Division of Milk Control & Dairy Services:

Albany: 518-457-1772

NYS Dept. of Agriculture & Markets, Division of Plant Industry:

Albany: 518-457-2087

Brooklyn: 718-722-2830

NYS Dept. of Environmental Conservation, Permitting Office: 631-444-0471

Compiled by the Farmers' Market Federation of New York, 2009, updated 2015