

FARMERS' MARKETS AND KY's HOME-BASED PROCESSOR PROGRAM



IMPLICATIONS OF HB 391: THE “FARMERS’ MARKET” REGULATION:

- HB 391 Creates Some Exceptions to Food Manufacturing Program Requirements.
- Allows Some Specific Food Items to be Prepared in the Farmer’s Home Kitchen.



**IMPORTANT: THIS
REGULATION DOES NOT
ALLOW ANYONE TO
PRODUCE ANYTHING TO
SELL ANYWHERE.**

*Some Restrictions and Stipulations Apply.
See dealer for details. Void where prohibited. Offer not valid in
Rhode Island.*

HB 391—“FARM FRIENDLY” LEGISLATION

A “Kentucky farmer” is a resident who *Owns* or *Leases* farmland that produces the primary ingredients for certain “value-added” products.

The primary goal of the Bill was to allow KY Farmers to earn more money for their produce.



IMPORTANT

**Final Product Must Contain a
*Primary or Predominant Kentucky-
Grown Ingredient, Grown,
Harvested, Processed and
Marketed by the Farmer.***

LOCATIONS WHERE HOME PREPARED FOODS CAN BE SOLD:

- 1) From the *Farm*
- 2) From *Farmers' Markets* That are Listed With KDA.
- 3) From *Roadside Stands* Certified by Kentucky Farm Bureau.



Locations Where The Sales of Home-Kitchen Prepared Product is **PROHIBITED:**



- Restaurants
- Grocery Stores
- Retail Markets
- Gift Shops
- Wholesale
- Mail Order Sales
- Internet Sales
- Interstate Sales

2 Type of Farm Processors:

- **1) Home-Based Processors** (Lower Risk Foods Such as Fruit Pies, Syrups, Jams & Jellies, Breads).
- **2) Home-Based Microprocessors** (Higher Risk Foods Such as Home-Canned Pickles and Pressure-Canned Vegetables)



IMPORTANT:

- ***Registrations and Certifications are Not Transferable.***
- ***A Farmer Wishing to Make Products From BOTH Types Must Complete an Application For Each Category!***

Home-Based Processors



- Acceptable Products for Home-based Processors: *Whole fruit and vegetables, mixed-greens, jams, jellies, sorghum, preserves, fruit butter, bread, fruit pies, cakes, and cookies.*

Home-Based Microprocessors



- Products that could be approved include:
Salsa, Pickled Cucumbers, Pressure-Canned Vegetables.

PROHIBITED FOOD ITEMS: PROCESSORS & MICROPROCESSORS

- Potentially hazardous foods, including but not limited to:
 - (1) *crème filled pies, custard, custard pies, pies with meringue topping*
 - (2) *cheesecake*
 - (3) *cream, custard and meringue pastries*
 - (4) *raw seed sprouts*
 - (5) *garlic-in-oil mixtures*
 - (6) Foods vacuum packaged in containers other than mason-type jars
 - (7) Canned, pureed baby foods

Labels for Home Processed Foods Shall Contain Following:

- In 10 point type: *This Product is Home-Produced and Processed.*
- Name & Address
- Common Name of Food Product
- Ingredients, Listed in Descending Order of Predominance by Weight.
- Net Weight
- Date Processed

HOME-BASED MICROPROCESSOR STIPULATIONS

*Home-based
Microprocessors (*High
Risk Foods*) Will be
Certified and Inspected by
Kentucky Food Safety
Branch.

*Microprocessors will also
have to attend
Microprocessor Training
Workshop provided by
UK Ag Extension Service



Home-Based Microprocessors: Certification Requirements

- ✓ Qualify as a “*KY Farmer*”
- ✓ Successfully Complete Microprocessor Workshop
- ✓ Have Standardized Recipe for *Each* Product reviewed and approved by Dr. Sandra Bastin of UK Extension
- ✓ Verification of Approved Water Source
- ✓ Product Labels Reviewed
- ✓ Complete Application

When Can I Start?


- *Home-Based Processors and Microprocessors Must **First Register** with the Cabinet before processing.*
- \$0 for Processors
- \$50 for Microprocessors



Get an Application!

**Food Safety Branch
Attn: Shadrick Adams
275 E Main Street
HS1CF
Frankfort, KY 40621**

(502) 564-7181

The background consists of several overlapping white papers scattered across a dark surface. Each paper has a large, bold, black question mark printed on it. The papers are slightly offset from each other, creating a sense of depth and movement. The lighting is soft, highlighting the edges of the papers.

Farmers' Market FAQs

**What can I sell
without a permit?**



Whole Fruits, Veggies, and Herbs

- Cutting, dicing, drying, mixing requires a Home-based Processor permit.
- Sampling requires a special training process...

Eggs

- Up to 60 dozen per week.
- Keep them below 45° at all times.

Honey

- 
- A wooden honey dipper with a long handle and a bulbous, ribbed head is positioned over a glass jar. Honey is dripping from the dipper into the jar. The jar is filled with golden honey and has a glass lid. The background is white.
- Up to 150 gallons per year.

Can I sell meat?

- KY grown meat from a USDA-inspected facility can be sold with a Mobile Retail Food permit (\$27) from the Local Health Department.
- Shrimp is included.

A close-up photograph of a glass of milk. A stream of milk is being poured into the glass from the top left, creating a large, dynamic splash that rises above the rim of the glass. The background is a solid, deep blue color. The milk is bright white and creamy.

Can I sell dairy products?

- Only dairy from facilities permitted by the Milk Safety Branch (MSB) may be sold, and then only after obtaining a Retail Food permit.

Can I use my own home-grown milk and eggs in my Home-based Products?

No. Only USDA-inspected eggs, and MSB-permitted milk can be used for Home-based products.

Can I cook and sell my products at the Market?

- There is a new special provision (2008) for KY Farmers to cook and sell KY Products 2x per week for 6 consecutive months!
- This \$50 registration is called the Farmers' Market Temp Food Service permit.

Can I sell other food at the Farmers' Market besides my whole produce and Home-based goods?

- A farmer may sell other prepackaged foods from *permitted commercial manufacturers* after obtaining a Retail Food permit from the Local Health Department.
- These should be kept separated from your Home-based products.

I'm not a KY resident. Can I receive any of these permits?



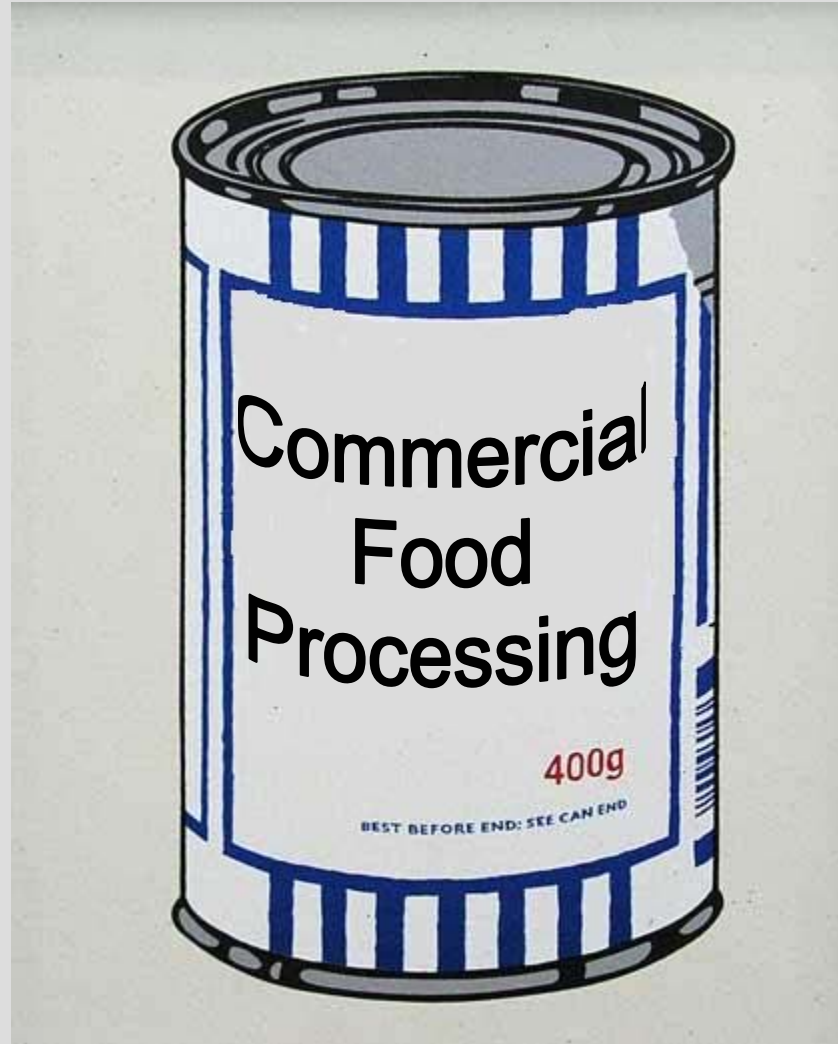
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Sampling Your Products

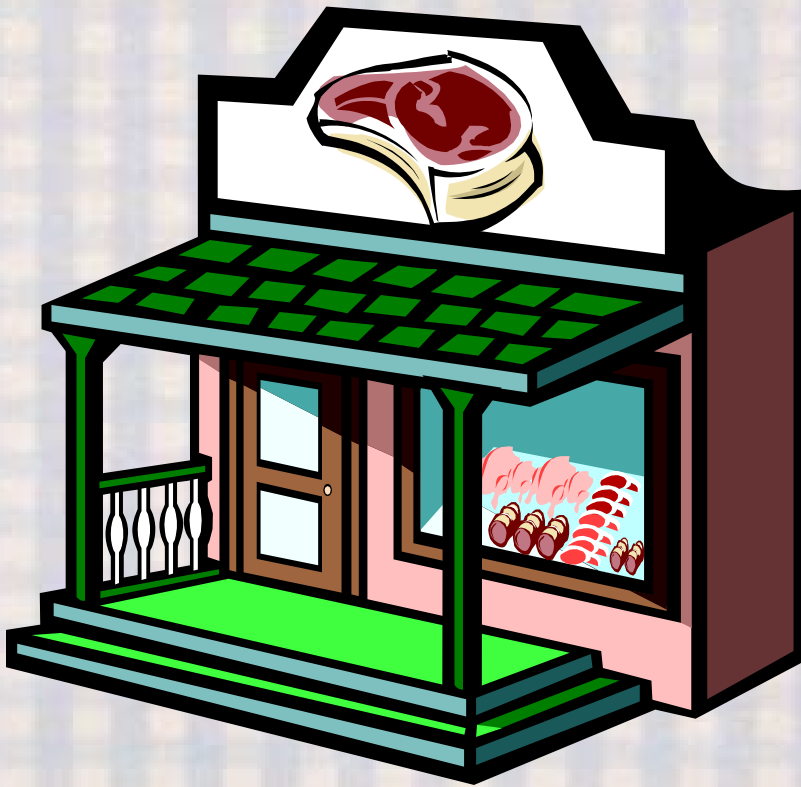
Farmers who want to cut, slice, or cook for sampling must complete KDA's training at:

www.kyagr.com/marketing/farmmarket/sampling.htm

Also, they must keep their *Certificate of Completion* on hand at the market while sampling.



Benefits of Obtaining “Commercial” Permit



- Can Sell Product Via:
 - Restaurants, and Direct-to-Consumer Sales (Gift Shops)
 - Wholesale
 - Interstate (Across State Lines)
 - Via Internet
 - Farmers Markets & Roadside Stands

**“*CERTIFIED*” OR
“*COMMUNITY*” KITCHEN
REQUIREMENTS**

OPTIONS FOR “APPROVED” PROCESSING FACILITY

- New Construction
- Renovated Portion of Private Residence
- Existing Permitted Facility (Restaurant, Church, Community Club, Etc.)
- Shared/Community Kitchen May Allow for Cost-Sharing
- Having the Product Processed for You by a “Co-Packer”

WATER SUPPLY

- Must be from a public water system; OR
- Private water (wells, springs, cisterns) must be approved through Kentucky Division of Water—Drinking Water Branch (502-564-3410)



DOW Requirements

- Must analyze for Secondary Contaminants (NO_3^- , NO_2^- , & 15 more parameters)
- Analysis only by certified lab listed here:
<http://www.water.ky.gov/dw/profi/certlabs/>
- Chlorinator & retention tank based on water usage.



WASTE DISPOSAL SYSTEM

- If city sewer is unavailable, the applicant must attest that septic system is properly functioning.



FOOD SAFETY INSPECTIONS

- Unannounced
- Will Include Facility Sanitation
- A Review of the Processing Operation
- Records Review
- Samples May be Taken



Why do we inspect? To lend you a hand!



The inspector's job is to assist the operator:

- in maintaining high standards of food safety; AND
- in ensuring a fresh, wholesome product!