



Food Types Allowed at New York State Farmers' Markets

Product	Licensure Requirements	Storage Requirements	Comments
Baked goods	<ul style="list-style-type: none"> Licensed under Article 20-C and inspected by the NYS Department of Agriculture and Markets (Department); Compliant with and registered as a Home Processor; Permitted and inspected by the NYS Department of Health (DOH); or Licensed or permitted by an out-of-state regulatory agency. 	If refrigeration is necessary, must be stored with an internal temperature of 41°F or less.	<ul style="list-style-type: none"> Must be sold as a packaged food at farmers' markets. Packages must be properly labeled. Cottage food products made out-of-state will NOT be authorized for sale in NYS.
Whole, Uncut Fruits and Vegetables	A license is not required to sell fruits or vegetables that have been grown and harvested.	Must be stored under sanitary conditions, having removed excess dirt.	Produce may NOT be cut or processed at farmers' markets.
Meat and Poultry	<p>Animals must be processed in compliance with Article 5-A or U.S. Department of Agriculture (USDA) regulations:</p> <ul style="list-style-type: none"> Beef, pork, goats and sheep must be slaughtered and processed at a USDA inspected processing facility and bear a USDA mark of inspection. Exotic species, such as farm raised deer or rabbits, may be processed under the USDA voluntary inspection. If not processed under USDA inspection, the meat must be processed at an Article 5-A licensed facility under the jurisdiction of the Department. Poultry must be processed under USDA inspection or under Article 5-A, with the appropriate USDA poultry exemption. Individuals who process 1,000 birds or less annually from their own flock are exempt from Article 5-A licensing requirements, but are allowed to sell product at a farmers' market venue. 	Meat must be sold frozen or must be stored under refrigeration with an internal temperature of 41°F or less. Mechanical refrigeration is the preferred method.	<ul style="list-style-type: none"> Must be offered for sale in a properly labeled and packaged form. May NOT be cut or processed at farmers markets. USDA amenable poultry processed under exemption can ONLY be sold intrastate and CANNOT cross state lines.
Fish, Shellfish, Crustaceans, Other Seafood (Seafood)	<ul style="list-style-type: none"> Must come from approved sources and/or waters. Shellfish must be in compliance with the NYS Department of Environmental Conservation (DEC) regulations. Shellfish tags must be maintained for 90 days by the vendor at the point of sale and made available for inspection by regulatory agencies upon request. 	Must be sold frozen or must be stored under refrigeration with an internal temperature of 40°F or less, as outlined by the manufacturer's requirements. Mechanical refrigeration is the preferred method.	<ul style="list-style-type: none"> Must be properly labeled. May NOT be cut or processed at farmers markets except as permitted as a food service item under DOH.
Eggs	Must be from the vendor's own flock.	Must be stored with an ambient temperature of 45°F or less. Mechanical refrigeration is the preferred method.	Eggs must be cleaned and packaged in properly labeled cartons. Egg cartons should be considered one-time-use packaging.
Honey, Maple Syrup	<ul style="list-style-type: none"> A vendor is exempt from licensing if they are bottling honey or making maple syrup at their own production facility; this includes out-of-state facilities. If the vendor is mixing either with any other incidental ingredients that change the original identify of the product or is repacking product from another producer, an Article 20-C food processing license and inspection is required at the production facility. 	May be stored with ambient temperature unless opened.	Product for sale at farmers' markets must be packaged, properly labeled, and graded.
Jarred Acidified Vegetables	<ul style="list-style-type: none"> Produced in NYS at an Article 20-C food processing licensed and inspected establishment or produced under permit by DOH. Products produced out-of-state must meet equivalent licensing or permitting and inspection requirements. 	May be stored with ambient temperature unless opened if approved processes verify the product is shelf stable or may be sold under proper refrigeration.	Must be sold in sealed and properly labeled containers.
Jarred Non-Potentially Hazardous Food (i.e. Jellies, Jams, Marmalades)	Must be manufactured at a location that is licensed and under inspection by the appropriate regulatory authority or is made by an approved NYS Home Processor.	May be stored with ambient temperature unless opened.	Must be sold in sealed and properly labeled containers.



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Cheese Cut and Wrap	<ul style="list-style-type: none"> Approved cheese varieties with less than 50% moisture content that are made by the vendor may be sold if the products are made in a facility that meets permitting under Part 2. The facility must follow regulatory requirements set forth by the Department's Division of Milk Control and Dairy Services as a cheese manufacturer. 	If refrigerated, must be stored with an internal temperature of 45°F or less. Mechanical refrigeration is the preferred method.	<ul style="list-style-type: none"> Bulk packages must be properly protected from environmental contaminants (i.e. covered or in display cases). Food processing equipment and surfaces must be maintained in a sanitary manner. Employees must maintain proper handwashing practices and use appropriate barriers when handling cheese.
Raw Milk Cheese	May be sold at farmers' markets only if the product is manufactured under a Part 2 permit and is inspected by the Department's Division of Milk Control and Dairy Services.	Must be stored with an internal temperature of 45°F or less. Mechanical refrigeration is the preferred method.	<ul style="list-style-type: none"> Must be aged a minimum of 60 days. Must have a statement "aged 60 days or more" on the label. If the name and address on the label is not that of the plant that processed or manufactured the product, the label must also contain the plant number.
Other Dairy Products (i.e. Yogurt, Cheese, Cottage Cheese, Sour Cream, Cream Cheese, Ice Cream etc.)	<ul style="list-style-type: none"> Must be manufactured under a Part 2 permit from the Department's Division of Milk Control and Dairy Services. Frozen desserts manufactured for retail sale are licensable under Article 20-C or an equivalent DOH permit. 	Must be stored with an internal temperature of 45°F or less. Mechanical refrigeration is the preferred method.	<ul style="list-style-type: none"> Dairy products made from pasteurized milk must have "pasteurized" appear on the label. If the name and address on the label is not that of the plant that processed or manufactured the dairy product, the label must also contain the plant number.
Processed Products	<ul style="list-style-type: none"> Processed in an Article 20-C licensed or Part 2 permitted facility or made by a NYS registered Home Processor. Processed products that require refrigeration (i.e. soft cheese, fresh pickles, cheesecake) must be processed in an Article 20-C licensed facility, a facility operating under a Part 2 permit or a facility permitted by DOH. 	If refrigerated, must be stored under proper refrigeration with an internal temperature of 41°F or less, unless otherwise noted. Mechanical refrigeration is the preferred method.	
Kombucha	Must be manufactured under an Article 20-C license.	Must be stored with an internal temperature of 41°F or less.	Kombucha produced with a level greater than 0.5% alcohol by volume may be subject to regulation by the NYS Liquor Authority (SLA).
Alcoholic Products	Vendors who wish to sell alcoholic products should verify their ability to do so by contacting SLA.		

Foods Types NOT Allowed: raw milk, acidified or low acid canned foods made in a private residence, raw (i.e. unpasteurized or not UV treated) apple cider, sprouts (as a self-service item or packaged by the vendor at the farmers' market), foods/beverages containing CBD or THC, bulk products offered for service or customer self-service, exposed foods, out-of-state products manufactured under cottage food laws or in a private residence.

Please contact the Department's Division of Food Safety and Inspection at (518) 457-4492 with any additional questions or comments.