



Dear Farmers' Market Coordinators and Vendors:

Farmers' Markets have evolved over the years from venues for small vegetable and fruit producers to marketplaces that encompass much more than uncut fruit and vegetables. To ensure that vendors are in compliance with the Colorado Retail Food Establishment Rules and Regulations (CO RFE Regs – 6 CCR 1010-2, Authority CRS 25-4-1604; 25-5-420; 25-1.5-104(g) and 25-1-108(1)(c)(1)), we ask that all vendors contact one of our offices (contact information is below) well in advance of the event. According to the CO RFE regs, farmers' markets are NOT considered to be temporary events. Therefore, vendors providing foods requiring a retail food establishment license will not be approved to operate with the minimal equipment typically found at temporary events and celebrations. The following is a summation of the licensing requirements for vendors selling food products at farmers markets.

1. Exempt Foods

The following foods are exempt from licensure at market sales sites:

- Whole uncut fruits and vegetables, such as apples, carrots, combs of honey, lettuce, melons, radishes, stalk celery, stalk broccoli, strawberries, and raw mixed and micro greens intended to be washed by the consumer prior to consumption .
- Commercially prepackaged non-potentially hazardous foods (non-PHF) and beverages (without ice).
- Commercially prepackaged ice cream and frozen yogurt novelties.
- Hot beverages (without ice), non-PHF donuts, and pastries (cupcakes, bagels, cookies).
- Popcorn, which is seasoned with salt, buttered, or sugared (kettle corn).
- Dry non-PHF that must be cooked to be consumed that is portioned onsite (pasta, beans, dry spices, coffee beans and tea leaves, but not blended ingredients such as spice or dry soup mixes).
- Samples prepared in a sanitary manner and with an approved handwashing facility. See Colorado State University Extension publication Farmers Market Vendor Guide for Preparing and Offering Food Samples, available at: http://www.ext.colostate.edu/safefood/farmmkt/food_safety_vendors.pdf

2. Food Made or Repackaged in an Approved Commercial Facility by the Vendor

- Prepackaged Foods:
 1. Prepackaged non-PHF are exempt from licensure at market sales sites (wrapped loaves of bread), but the site of manufacture requires a \$255 RFE license.
 2. Prepackaged PHF are exempt from licensure at an initial market sales site if no retail sales occur at the site of manufacture, but the site of manufacture requires a \$255 RFE license. Additional market sales sites require a \$115 RFE license. The PHF food (frozen meats, whole pizza, burritos) must be stored in approved hot or cold holding units (Cambro, cooler, freezer, etc.)

- Non-Prepackaged Foods:
 1. Non-prepackaged foods dispensed on-site are subject to the same requirements as foods prepared on-site (unwrapped loaves of bread, candy apples, and candies). See # 4 below.

3. Food Made or Repackaged in an Approved Commercial Facility by a Wholesaler

- Prepackaged Foods:
 1. Prepackaged non-PHF are exempt from-licensure at market sales sites (wrapped loaves of bread), but must be properly labeled for resale.
 2. Prepackaged PHF must operate from a commissary, be stored in approved hot or cold holding units (Cambro, cooler), properly labeled for resale, and require a \$115 RFE license for each sales site.
- Non-Prepackaged Foods:
 1. Non-Prepackaged foods dispensed on-site are subject to the same requirements as foods prepared on-site. See # 4 below.

4. Food Prepared On-site

- Food prepared or served from bulk on-site must be done from a licensed mobile unit (funnel cakes, burritos, tamales, ice cream cones, pizza slices) or push cart (chocolate dipped fruits, hot dogs, hamburgers, shaved ice), operate from an approved commissary, and hold a \$255 RFE license, which is tied to the approved mobile unit or push cart.

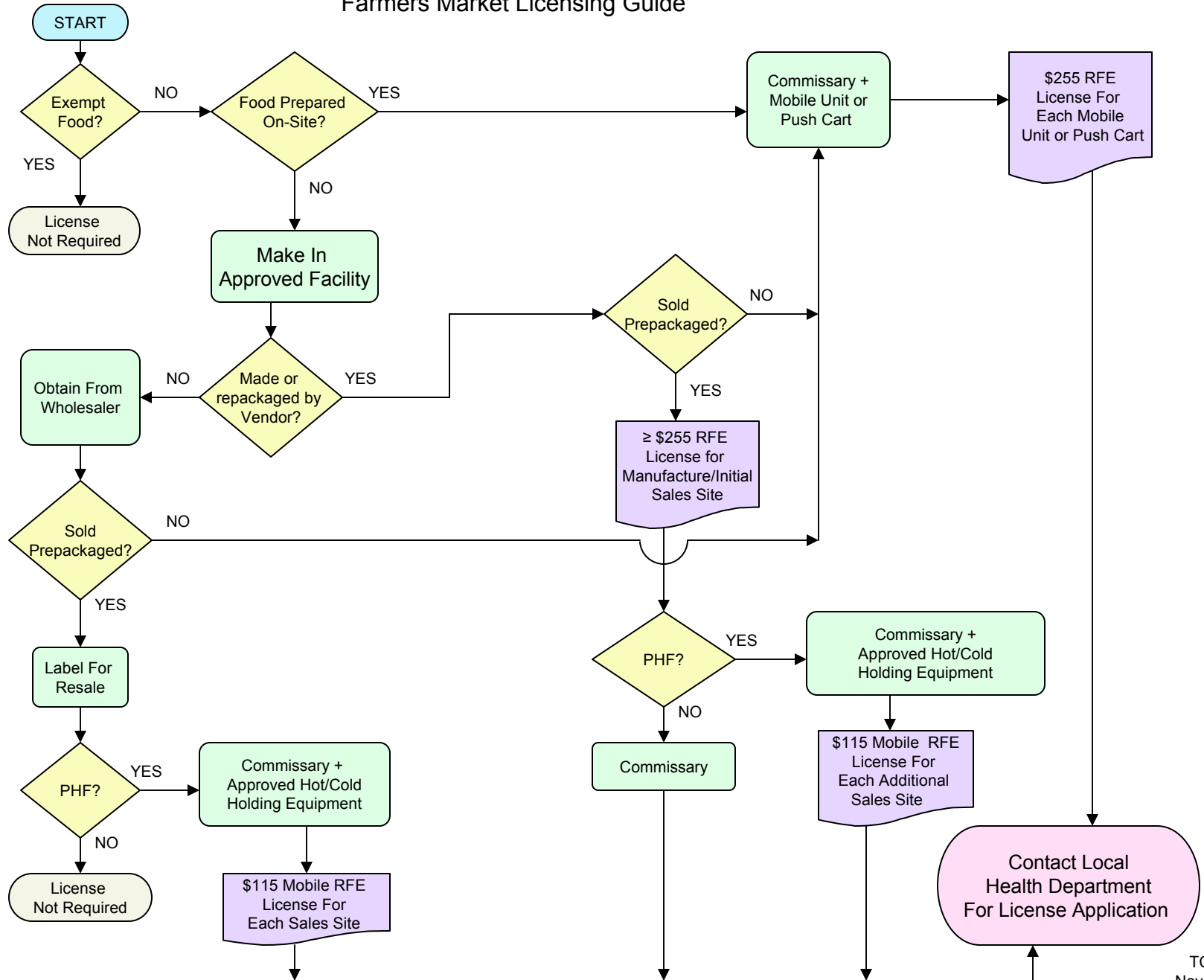
Notes:

1. Samples are exempted from licensing requirements. However, if samples are prepared on site, minimum sanitation guidelines must be followed and must include an approved hand washing facility.
2. Bare hand contact with ready-to-eat foods will not be allowed; the use of gloves or dispensing utensils, such as tongs is required. All utensils and food-contact surfaces of equipment must be cleaned and sanitized at least every four hours, or whenever contamination occurs.
3. Licenses issued by the City and County of Denver are not valid outside the City and County of Denver.
4. Any food cooked or stored at a private residence or unapproved establishment is **prohibited**.
5. If you are preparing food or *scooping ice*, you are required to have a licensed mobile unit or cart.
5. All Retail Food Establishment Licenses expire December 31 of each year.
6. See page 4 for glossary of terms.

The above requirements are summarized in the attached Farmers Market Licensing Guide. For more information, contact your nearest Tri-County Health Department office:

Aurora	15400 E. 14 th Pl.	303-341-9370
Administrative Office	6162 S. Willow Drive, Suite 100	720-200-1670
Castle Rock	4400 Castleton Ct.	303-663-7650
Commerce City	4201 E. 72 nd Ave., Suite D	303-288-6816

Farmers Market Licensing Guide



Farmers Market Guide Glossary of Terms

Additional Sales Site: A booth, push cart, or mobile unit operating simultaneously and independently, and under the same ownership, as a licensed booth, push cart, or mobile unit, either at the same or another farmers market.

Approved Facility: see “Commissary”.

Approved Hot and Cold Holding Units: equipment used to maintain PHF at required temperatures, or non-PHF for quality purposes, constructed of smooth, durable, and easily cleanable materials. Examples: ice chests, mechanical refrigeration.

Commissary: a commercial kitchen, restaurant, or other approved place in which food, containers, or supplies are kept, handled, prepared, packaged, or stored.

Farmers Market: one or more vendors offering only uncut fruits and vegetables. Farmers markets are not retail food establishments. Also includes roadside markets. See “retail food establishment”. A farmer’s market is not a temporary food event or celebration.

Mobile Unit: a retail food establishment that reports to and operates from a commissary and is readily moveable, is a motorized wheeled vehicle, or a towed wheeled vehicle designed and equipped to serve food. A mobile unit contains a handwashing sink supplied with hot and cold running water, soap, and toweling. The menu of a mobile unit is limited by the equipment installed within it; examples: mechanical refrigeration, steam tables, grills, deep fryers to make French fries, etc.

Non-Potentially Hazardous Food (non-PHF): a food that does not require temperature control because it does not support the growth of disease causing organisms. Examples: acidic foods with a pH of 4.6 or less, such as ketchup; dry foods with a water activity of 0.85 or less, such as jerky, cookies, or fruit pies; commercially canned foods, and frozen foods.

Pastries: a sweet food baked in individual portions made of crust or dough.

Potentially Hazardous Food (PHF): a food that requires temperature control (41°F or less, or 135°F or above) because it is capable of supporting the growth of disease causing organisms. Examples: meats, cheeses, cooked vegetables.

Pre-Packaged Foods: foods that are packed, wrapped, boxed, or otherwise sealed into a container at an approved facility.

Push Cart: a “non-self-propelled” vehicle limited to serving commissary-prepared or prepackaged food and non-potentially hazardous food unless the equipment is commercially designed and approved to handle food preparation and service. The menu of a push cart is limited to foods requiring minimal on-site preparation; examples: hot dogs, hamburgers. A barbecue grill may be operated in conjunction with a push cart.

Retail Food Establishment (RFE): a retail operation that stores, prepares, or packages food for human consumption. A RFE may be located in a fixed structure with water and sewer service, a mobile unit, or push cart, or, if in conjunction with an event or celebration, a temporary RFE.

Temporary Event RFE: the sale or service of food in conjunction with an event or celebration. Examples: Arapahoe County Fair, Thornton Harvest Fest, etc. See Chapter 10 of the [Colorado Retail Food Establishment Rules & Regulations](#).