

Bigfork Farmers’ Market Rules and Regulations 2023

The Bigfork Farmers’ Market Cooperative provides a venue for vendors from Lake, Flathead, and Sanders County. Vendors from these counties are welcome to participate in the market if they are full time residents or summer residents and grow, prepare or make the products they sell. The market is registered with the Flathead County Department of Health and vendors are required to follow the rules and regulations of the State of Montana and the County. The markets are monitored by the Department of Health and vendors required to be license to sell their products must display the license at their booth. Also, you must display your report card from the Health Department for the commercial kitchen used.

**“MCA 50-50-102. Definitions (8): "Farmer's market"** means a farm premises, a food stand owned and operated by a farmer, or an organized market authorized by the appropriate municipal or county authority under **7-21-3301**.

**2023 Market Fees:** Members: $ 5.00 per day per vendor

Non- Members: $ 10.00 per day per vendor

\*\* Vendor fees are paid at set-up. A market volunteer will be on site to collect all fees.

# 2023 Market Schedule

***Date/Time*:** Wednesdays from 3-6:30 p.m. Starting date May 24th – September 6th. (Set up time starts at 2PM – NO EARLY BIRDS)

***Location***: All markets will be held at the Bigfork Liquor Barn – 22 Swan way Bigfork, Montana across Your Turn gas station.

If you are interested in becoming a vendor, please submit your application on the website. If you need a paper application, please contact us at [bffm@bigforkfarmersmarket.com](mailto:bffm@bigforkfarmersmarket.com).

If you are a registered vendor and have an interested in joining the cooperative, please submit your request to [bffm@bigforkfarmersmarket.com](mailto:bffm@bigforkfarmersmarket.com). The Board of Directors will review your request and upon acceptance and payment, you will be provided with the following: Certificate for one common stock, a membership card, voting rights, opportunity to participate in company decision making, opportunity to become a board member and a copy of the bylaws.

The sale of alcohol is prohibited at this market (except for the Bigfork Liquor Barn)

**Farmer’s Market Regulations**

**Labeling:** All packaged products; not just food items, must contain a label. The label should include a list of ingredients, name and address of the producer and where it was made.

**MCA 50-50-121. Definitions “Requirements for farmer's markets”**

(1) (a) A person selling food that is not potentially hazardous, including food listed in subsection 2, at a farmer's market is not a retail food establishment. (b) A person selling food that is not potentially hazardous or otherwise listed in subsection 2 if selling only at a farmer's market is not required to register as a cottage food operation.

(2) Foods that are not potentially hazardous or are otherwise eligible to be sold at a farmer's market include:(a) whole shell eggs if the whole shell eggs are clean, free of cracks, and stored in clean cartons at a temperature established by the department by rule; (b) hot coffee or hot tea if the person selling the hot coffee or hot tea does not provide or include fresh milk or cream; (c) raw agricultural commodities; and (d) food identified by the department by rule as not being a potentially hazardous food.

(3) A farmer's market authorized by a municipal or county authority shall keep registration records of all persons and organizations that serve or sell food exempt from licensure at the market, including food that does not meet the definition of potentially hazardous food.

(4) The registration records must include the name, address, and telephone number of the seller or server as well as the types of products sold or served and the date on which the products were sold or served.

(5) A farmer's market under this section shall make registration records available upon request to the local health authority.

(6) Food sold in a farmer's market must, if sold in a container, have a label similar to a label required of a cottage food product under **50-50-116**

**Produce:** A license is not required of a gardener, farm owner, or farm operator who sells raw and unprocessed farm products at a farmer’s market.

1. All produce must be grown and harvested by the vendor, no resale of purchased produce.
2. All produce will be sold in its natural form.
   1. Wash, only if needed, using clean water
   2. Do not cut produce to be sold in smaller units or to be given out as samples.
   3. Do not use oil, wax or any other substance on produce to increase visual appeal of the item.
   4. Produce should be in its natural state, no drying, freezing, roasting, shelling or pealing.
   5. Protect soft fruits in a cooler or in a shady place to promote continued freshness.

**“MCA 50-50-102. Definitions (17) “Raw agricultural commodity**” means any food in its raw, unaltered state, including fruits, vegetables, raw honey, and grains. This does not include

1. Cooked
2. Canned
3. Preserved, except for drying
4. Combined with other food products; or
5. Peeled, diced, cut, blanched, or otherwise subjected to value-adding procedures.

**Cultivated mushrooms**

1. Considered a raw agricultural commodity.
2. If harvested with a simple cut at the base and placed in a container, it does not require a retail or wholesale food license.
3. A food license is required if the mushrooms undergo further processing or special packaging is used.
4. In addition, the producer should contact the Department of Agriculture about produce dealer licensing requirements.
5. It is important to verify that the mushrooms that you are selling are considered edible as a food by law and have been identified properly. Here is a list of common mushrooms that are generally recognized as safe.
6. Agaricus bisporus (common name: meadow mushroom, button mushroom, crimini, portabello)
7. Agaricus brunenescens (common name: meadow mushroom, button mushroom)
8. Flammulina velutipes (common name: velvet foot, enoki)
9. Hericium erinaceus (common name: bearded tooth, lion’s mane)
10. Lentinus edodes (common name: shiitake)
11. Pleurotus ostreatus (common name: oyster mushroom)

**Produce Gift Basket-**

1. Baskets cannot contain non produce items unless they are under dual category of produce and crafts or produce and processed foods.
2. Dual category items will need to be juried and follow the rules for each category represented.

# Potted Plants

1. Potted plants need to be grown by the vendor from seed, cuttings, bulbs, or seedlings. Purchased cuttings, rooted or not rooted and purchased seedlings need to be purchased at least 60 days before sale.
2. No potted plants may be sold if bought for resale.
3. Licenses are required for any person or business that sells or distributes nursery stock in Montana. **If you sell plant material in the state of Montana, you must have a nursery license**.
4. To obtain a nursery license please visit <https://agr.mt.gov/Topics/N-P/Nursery-Pages/Nursery-Licensing>. Fees are decided on a tiered system.

**Cut Flowers**

1. All cut flowers must be grown and cut from the vendor’s own garden.
2. Dried flower material must also come from the vendor’s own garden.
3. The vendor may not add flowers purchased for resale into arrangements

# Non- Potentially hazardous foods which include the following are permitted:

1. Loaf breads; rolls, biscuits, muffins that do not contain meat or cheese
2. Cakes-all frostings or glazes must have a cook step or be made with ingredients (such as a large amount of sugar) that when combined are stable at room temperature
3. Pastries, scones, cookies, pastry bars, crackers
4. Fruit pies (no custard style pies, unbaked pies with fresh fruit, or pies that require refrigeration after baking, such as pumpkin pie).
5. Snack mixes such as trail mixes, cereals, nuts and nut mixes.
6. Popped popcorn, popcorn balls and cotton candy.
7. Fudge, candies or confections that require a cook step and do not require refrigeration after cooking
8. Molded chocolate using commercial chocolate melts

**Labeling:** Labels must contain the following information:

1. Name, address, city, state and zip code of the cottage food operation,
2. Name of the cottage food product,
3. Ingredients of the cottage food product, from highest weight ingredient to lowest weight, net quantity, weight, count or volume, Allergen labeling,

\*Note: if an ingredient contains sub-ingredients these must be listed in parentheses after the ingredient i.e. butter (milk, salt),

1. The following statement: “Made in a home kitchen that is not subject to retail food establishment regulations or inspections.”

\*Note: The size of the type, or “font” for this statement must be 11-point or greater.

**Dried fruits**

1. The following fruits can be dried, packaged and sold as well as other fruits that have a pH of 4.6or lower: Apples, apricots, grapefruit, lemons, limes, mangos, nectarines, oranges, peaches, plums, pomegranates, tangerines, blackberries, blueberries, cherries, cranberries, currants, gooseberries, grapes, raspberries, strawberries and huckleberries.
   1. Must have a minimum internal temperature of 140ºF during the entire drying process.
   2. Cannot be packaged in vacuum, reduced oxygen or modified oxygen packaging

**Dry Herbs**

1. Recombining and packaging of dry herbs, seasonings, or mixtures (dry soup, teas, coffees, spice seasonings)

# Jams, Jellies, and Fruit Butters

1. Must contain at least 55% added sugar by weight (no large chunks of fruit).
2. Fruit butters made with apple, apricot, grape, pear, plum, prune, quince, and combinations of these fruits.
3. Fruit jellies made with apple, apricot, blackberry, black raspberry, boysenberry, cherry, crabapple, cranberry, dewberry, fig, gooseberry, grape, grapefruit, guava, loganberry, orange, peach, pineapple, plum, pomegranate, prickly pear, quince, raspberry, currant, strawberry and youngberry and combinations of these fruits.
4. Fruit preserves and jams made with the same fruits as fruit jellies, as well as blueberry, elderberry, huckleberry, rhubarb, tangerine, nectarine, cranberry and tomato and combinations of these fruits.

# Huckleberries

1. Huckleberries that are not processed do not require a food license.
2. *Those who harvest huckleberries may be required to obtain a permit from the Forest Service.*
   1. No permit or fee required up to 10 gallons.
   2. No commercial permits are being offered at this time.
3. For more information go to <https://www.fs.usda.gov/main/flathead/passes-permits/forestproducts> or call **Flathead National Forest Supervisor's Office** (406) 758-5208

# Specifically exempted foods include the following

1. Whole shell eggs that are clean, free of cracks, and stored in clean cartons at 45ºF and carry a label indicating the name and address of the farm owner or operator selling the eggs.
2. Hot coffee or hot tea if the person selling the hot coffee or hot tea does not provide or include fresh milk or cream
3. Whole fruits, vegetables, raw honey, and grains that have NOT been:
4. Cooked
5. Canned
6. Preserved, except for drying
7. Combined with other food products
8. Peeled, diced, cut, blanched, or otherwise subjected to value-adding procedures.

# Potentially hazardous foods which include the following are permitted with licenses:

# Wild Mushrooms

1. All mushrooms must be sliced lengthwise in half at the time of harvesting. Resale of mushrooms is prohibited. Permits are available at any Flathead National Forest office.
2. **Commercial Harvest Permits are not currently available on the Flathead National Forest**.

# **Please refer to the** [Mushroom Guide (.pdf)](https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fseprd497383.pdf)**.** or call ****Flathead National Forest Supervisor's Office**** (406) 758-5208

# Salsa, pickles, oil and vinegar mixtures, sauerkraut or pepper jelly

1. Requires a food license to sell.
2. Must be processed in a locally licensed facility approved by the county.

# Processed Poultry/Meats

1. Requires a retail license.
2. Producer will need to contact the Montana Department of Livestock, Meat and Poultry Bureau at [https://liv.mt.gov/Meat-Milk-Inspection/Meat-and-Poultry-Inspection/](https://liv.mt.gov/Meat-Milk-Inspection/Meat-and-Poultry-Inspection/%20) for requirements.

# Cream puffs, cream pies, pumpkin pies, custard pies, cream or pudding filled pastries, cheesecakes or cheese breads

1. Requires local approval and a retail license or Cottage Food License.

# Pet treats

1. Pet treats are regulated by the Montana Department of Agriculture (DOA) and require registration through DOA.
2. Businesses manufacturing treats who meet the following requirements are exempt from licensing as a feed manufacturer with the department.
3. Qualifiers: Treats are manufactured in Montana, are for Cats or Dogs only, do not contain any medication or drug or meat, poultry, fish or their byproducts as an ingredient, and total treat sales are less than $25,000 annually.
4. Must have “**LICENSE EXEMPT TREAT, MONTANA MANUFACTURED CAT AND DOG TREAT REGISTRATION FORM** found at <https://www.agr.mt.gov/_docs/feed-docs/MTCatDogTreat-RegistrationForm-Fillable.pdf>.
5. Label Requirements: Brand (if any), Product Name, Purpose statement, Ingredient Statement, Directions for use, Name and address of manufacturer/guarantor, Quantity Statement (net wt. or count)
6. Please visit the Department of Agriculture Feed at <https://www.agr.mt.gov/Topics/E-G/Feed-Pages/Pet-Food-Pages/Pet-Food-Specialty-Pet-Food> for more information or contact 406-444-0510 or 444-5415.

# The sale of CBD Food Products or Dietary Supplements is prohibited.

**Arts and Crafts**

**Craft items**

1. Must to be handmade by the vendor, not purchased for resale unless they have been creatively altered as part of a completed product (beads into jewelry, etc.).

**Art items**

1. Must be originals, designed by the vendor and may include: sculptures, paintings, drawings, photos and etc.
2. Manufacturing of art items may or may not be completed by the vendor depending on the process required to finish the item.

**Gift baskets**

1. Must contain a majority of handmade items (51% or more) with limited supportive items.
2. Made in Montana supportive items preferred

**Cosmetics and soaps**

1. These fall under the Montana Food, Drug, and Cosmetic Act (MFDCA)(MCA 50-31 et seq.).
2. Products do not require DPHHS licensure to manufacture or sell.
3. They must comply with the MFDCA, which includes provisions addressing adulteration and misbranding, thus harmful substances and misleading labels are not allowed.
4. The label must include the name and place of business and an accurate statement of quantity.

All arts and crafts items will go through a jury team for approval. The jury team will be available during set up time at each market to allow qualified vendors to setup and sell on the same day of request.

**For more information please contact:**

Questions about the Montana Department of Agriculture Produce Act and its requirements may be sent to [Lkrum@mt.gov](mailto:Lkrum@mt.gov) or answered by calling 406-444-5419.

For additional information on farmer’s markets and registrations, please contact your local sanitarian. Contact information is available online with the DPHHS-FCS interactive map or call 406-444-2837.

# General Rules for all vendors

1. Members of the same family as a vendor may share a booth. Additionally, more than one non-related vendor may share a booth, however both vendors must be present at all times, pay booth fees separately and complete separate applications.
2. Because we are working at a private venue, please remember to honor the smoking in non vending areas.
3. Upon arrival, check in with the market manager, he/she will guide you to your booth area.
4. As soon as everyone is set up a market volunteer will come around to collect fees.
5. Vendors will be given 1 hour before and 1 hour after each market to set up and tear down their booth. For insurance purposes, a market board member must be present at all times during market activities which includes set-up and take down. **ABSOLUTELY NO EARLY TAKE DOWN UNLESS THERE IS AN EMERGENCY.**
6. Booths shall be arranged in a safe and consistent manner.
7. Mark your booth with a sign that includes your business name, address, and contact number.
8. Please have available waste container for your booth area.
9. For the safety of the pets, vendors and customers; No pets or live animals are allowed. Service or Seeing Eye dogs will be welcome. If you have live animals for sale, bring pictures and related information to share with your customers and make arrangements for sale and pickup at your business address or delivery to the consumer.
10. Be pleasant and assist the consumer whenever possible.
11. A cooperative Information booth will be set up at each market.
12. Leave the venue in the same or in a better condition than when you came and set up. Be sure to pick up all trash.
13. Vendor Spaces will be assigned as follows
    1. Board Members are given 1st choice.
    2. All other coop members will set up after board members. This starts at the 2PM arrival time and goes till market opens at 3PM.
    3. We ask that all vendors please be in their space prior to 3PM. We are not a BELL market so if customers arrive early then you may be able to get sales if you are set up and ready.
    4. If you have to miss a market, please email us. With proper notification we are able to assist your customers at the market with current information on when you will return to sell.