

901:3-6-01

Authority of the director of agriculture; Definitions.

- (A) Pursuant to section 3717.221 of the Revised Code, the director shall administer the applicable provisions of Chapter 901:3-6 of the Administrative Code to farm markets, farmers' markets, and farm product auctions that have registered with the Ohio department of agriculture. A farm market, farm product auction, or a farmer's market may register with the Ohio department of agriculture on a form prescribed by the director which can be found at www.agri.ohio.gov. ~~A farm market or farm product auction as defined in paragraph (B) of this rule that is not registered with the Ohio department of agriculture shall be licensed and regulated pursuant to Chapter 3717. of the Revised Code as a retail food establishment. Participants at an unregistered farmers' market shall be licensed and regulated pursuant to Chapter 3717. of the Revised Code as a retail food establishment. A farm market, farm product auction or a farmers' market participant who does not meet the definitions in paragraph (B) of this rule shall be licensed and regulated pursuant to Chapter 3717. of the Revised Code as a retail food establishment.~~

Unregistered farm markets, unregistered farm product auctions, and a farmer's market participant at an unregistered farmers' market shall be licensed and regulated pursuant to Chapter 3717. of the Revised Code as a retail food establishment or a food service operation.

(B) Definitions:

As used in Chapter 901:3-6 of the Administrative Code:

- (1) "Adulterated" has the meaning stated in section 3715.59 of the Revised Code.
- (2) "C.F.R." means code of federal regulations.
- (3) "Cottage food production operation" as defined in section 3715.01 of the Revised Code.
- (4) "Director" means the director of the Ohio department of agriculture or designee.
- (5) "Farm market" means a producer operated facility where only ~~one or more of~~ the following food items ~~are~~ may offered for sale:
 - (a) Fresh unprocessed fruits or vegetables;
 - (b) Products of a cottage food production operation;
 - (c) Maple syrup, sorghum, or honey that is produced by a maple syrup or

sorghum producer or beekeeper described in division (A) of section 3715.021 of the Revised Code;

- (d) Commercially prepackaged food that is not potentially hazardous, on the condition that the food is contained in displays, the total space of which equals less than one hundred cubic feet on the premises where the person conducts business at the farm market;
 - (e) Cider and other juices manufactured on site at the farm market;
 - (f) Raw eggs, raw poultry, and raw non-amenable meat on the condition that those products were produced by the farm market operator, and further conditioned that, with respect to the eggs offered from the location where the eggs are produced, the farm market operator annually maintains five hundred or fewer ~~birds~~ poultry, and with respect to the dressed poultry offered from the location where the poultry is raised, the farm market operator annually raises and slaughters one thousand or fewer ~~chickens, or two hundred fifty or fewer turkeys~~ poultry.
- (6) "Farmers' market" means a location where producers congregate to offer food items for sale.
- (7) "Farmers' market participant" means a producer who offers one or more of the following food items for sale at a farmers' market:
- (a) Fresh unprocessed fruits and vegetables;
 - (b) Products of a cottage food production operation;
 - (c) Maple syrup, sorghum, or honey that is produced by a maple syrup or sorghum producer or beekeeper described in division (A) of section 3715.021 of the Revised Code;
 - (d) Commercially prepackaged food that is not potentially hazardous, on the condition that the food is contained in displays, the total space of which equals less than one hundred cubic feet on the premises where the person conducts business at the farmers' market.
- (8) "Farm product auction" means a location where only one or more of the following products are offered for sale at auction:

- (a) Raw eggs, raw poultry, or raw non-amenable meat species on the condition that, with respect to the eggs offered, the producer annually maintains five hundred or fewer ~~birds~~ poultry, and with respect to the dressed poultry, the producer annually raises and slaughters one thousand or fewer ~~chickens, or two hundred fifty or fewer turkeys~~ poultry.
 - (b) Fresh unprocessed fruits or vegetables;
 - (c) Products of a cottage food production operation;
 - (d) Maple syrup, sorghum, or honey that is produced by a maple syrup or sorghum producer or beekeeper described in division (A) of section 3715.021 of the Revised Code.
- (9) "Home" has the meaning stated ~~as defined~~ in section 3715.01 of the Revised Code.
- (10) "Misbranded" has the meaning stated in section 3715.60 of the Revised Code.
- (11) "Non-amenable meat" means any species other than cattle, sheep, swine, goats, horses, mules, other equines, ratites (emu, rhea, and ostrich), and domesticated poultry (turkey, chicken, ducks, geese, and guinea fowl). Examples of non-amenable species includes farm raised mammals such as bison, rabbit, and deer.
- (12) "Potentially hazardous food" has the meaning stated in division (A)~~(19)~~(18) of section 3715.01 of the Revised Code.
- (13) "Producer" means a person who raises agricultural products on land the person owns or leases by themselves.
- (14) "Egg" means the shell egg of avian species such as chicken, duck, goose, guinea, quail, ratites, or turkey. It does not include a balut², the egg of reptile species such as alligator; or an egg product.

Effective: 03/20/2017

Five Year Review (FYR) Dates: 01/03/2017 and 03/20/2022

CERTIFIED ELECTRONICALLY

Certification

03/10/2017

Date

Promulgated Under: 119.03
Statutory Authority: 3717.221
Rule Amplifies: 3717.221
Prior Effective Dates: 3/31/2004, 11/04/2010