

# Farmers Markets

## Defined

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The federal government, along with many states and commonwealths define “farmers market” in statute or code. These definitions determine eligibility for participation in programs including the WIC and Senior Farmers Market Nutrition Programs as well as state-administered farmers market certification programs. In the interest of consumer protection, lawmakers in multiple states have also explicitly prohibited the use of the phrase “farmers market” to describe retail establishments that do not adhere to the tenets of direct-to-consumer agricultural marketing.

While the Farmers Market Coalition does not endorse a specific statutory definition, we encourage lawmakers and state administrators to work with farmers market leaders in their states to craft definitions that reflect the priorities of shoppers, farmers, ranchers, and food artisans in their state.

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### U.S. Department of Agriculture

**Farmers Market:** Two or more farmer-producers that sell their own agricultural products directly to the general public at a fixed location, which includes fruits and vegetables, meat, fish, poultry, dairy products, and grains.

### Direct Marketing Farmers:

Farmer-producers that sell their own agricultural products directly to the general public, which includes fruits and vegetables, meat, fish, poultry, dairy products, and grains.

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### Arkansas

*Arkansas Code [§ 26-52-401](#) states:*

(ii) A farmers' market is not an established business if the farmers' market sells raw product directly to the user of the raw product and the farmers' market is:

- (a) Comprised of one (1) or more producers of a raw product;
  - (b) Operated seasonally; and
  - (c) Held out-of-doors or in a public space.
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### California

California maintains rigorous standards for ensuring the integrity of farmers markets participating in the state’s [Certified Farmers Market Program](#).

*The California Code of Regulations [§ 1392.2](#) defines a Certified Farmers Markets as:*

“A location approved by the county agricultural commissioner of that county where agricultural products are sold by

producers or certified producers directly to consumers or to individuals, organizations, or entities that subsequently sell or distribute the products directly to end users. A certified farmers' market may only be operated by one or more certified producers, by a nonprofit organization, or by a local government agency.”

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## Connecticut

*Connecticut General Statutes [Section 22-6r](#) states:*

"Farmers' market" means a cooperative or nonprofit enterprise or association that consistently occupies a given site throughout the season or that occupies a given site for any given day or event and that operates principally as a common marketplace for a group of farmers, at least two of whom are selling Connecticut-grown fresh produce, to sell Connecticut-grown farm products in conformance with the applicable regulations of Connecticut state agencies and where the farm products sold are produced by the participating farmers with the sole intent and purpose of generating a portion of household income

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## Delaware

*Delaware Code § 567 states:*

No person shall designate, display any sign designating, or advertise any business as a "farmers' market", "farmers' auction market," or use words in connection therewith the general import of which would indicate or tend to indicate to the public at large that

farm products are dealt with therein unless such farm products are the principal commodities displayed and offered for sale or sold in the operation of such business.

Any person violating the provisions of this Act shall be guilty of a misdemeanor and shall be fined not less than \$10.00 nor more than \$100.00 for each such violation.

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## Georgia

*Georgia Code § 2-10-52 states:*

"Farmers' market" means any place within this state where farmers or producers may sell, bring or send to sell, exhibit, or transship agricultural products; or where buyers may come to buy, inspect, or transport agricultural products; or where such products may be processed or stored for sale, either at wholesale or retail. This term shall include all real and personal property, buildings, warehouses, storage facilities, barns, exhibition halls, and other structures, facilities, utilities, parking areas, streets, tracks, and other appurtenances and facilities, including, but not limited to, restaurants, service stations, and other like facilities of every kind and character used or useful at such place in promoting the buying, selling, or exchange of agricultural products. Use of such facilities shall not be limited to the buying, selling, or exchange of agricultural products so long as their use promotes the buying, selling, or exchange of such agricultural products as determined by the Commissioner. This definition shall include and not prohibit the sale of grocery items or other items commonly sold or

offered for sale in conjunction with the sale of agricultural products.

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## Kansas

*Kansas Statutes [Section 2-3802\(b\)](#) states:*

“Farmers’ market” means a common facility or area where producers or growers gather on a regular, recurring basis to sell fresh fruits, vegetables, meats and other farm products directly to consumers. “Farmers’ market” includes, but is not limited to, short-term festivals, roadside stands or other agricultural product sales or other locations or any market, sales event or other related event, series of events or venue that advertises, promotes or uses the term “farmers’ market” or any derivative thereof, as a part of the name of such market, sales event, or other related event or venue.

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## Kentucky

*The Kentucky Department of Agriculture [defines](#) farmers markets as:*

A prescribed location(s) where two or more producers gather on set days and times to sell products that they grow or produce directly to consumers. Though the market may allow other types of sales, the sale of agricultural products grown or produced by the seller or their family should be the primary business of the market.

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## Minnesota

*[Minnesota Statute Section 28A.151](#) defines a farmers market as:*

“An association of three or more persons who assemble at a defined location that is open to the public for the purpose of selling directly to the consumer the products of a farm or garden occupied and cultivated by the person selling the product.”

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## Maryland

*[Code of Maryland Regulations Section 10.15.03.02](#) states:*

“Farmer's Market”

(a) "Farmer's market" means a place where a person offers or sells one or more of the following food products directly to the public:

- (i) Raw agricultural products;
- (ii) Products processed in a private home kitchen, as set forth in Regulation .27 of this chapter;
- (iii) Products that are not potentially hazardous and do not require refrigeration that are processed in a food processing plant licensed and operated according to COMAR 10.15.04.19; or
- (iv) Eggs in compliance with Regulation .05A(8) of this chapter.

(b) "Farmer's market" does not include a food service facility.

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## Massachusetts

The Massachusetts Department of Agricultural Resources [policy](#) holds that:

A Farmers' Market is a public market for the primary purpose of connecting and mutually benefiting Massachusetts farmers, communities, and shoppers while promoting and selling products grown and raised by participating farmers.

Minimum qualifications for a Massachusetts Farmers' Market:

- 1) Two or more farmers primarily selling products grown, produced, or raised by the farmers
  - 2) The market has set hours of operation and operates on a regular schedule
  - 3) The products are clearly labeled as to origin
  - 4) The market complies with all applicable local, state, and federal laws and regulations
  - 5) The market must have, and abide by, a set of rules that governs the operation of the market and, at a minimum, assures the primary purpose of a Massachusetts Farmers' Market as providing a direct marketing opportunity for Massachusetts farmers, foresters and fisheries and addresses the following:
    - A. Terms and conditions of sales, including pricing and labeling
    - B. Vendor eligibility and product source
    - C. Compliance by all vendors with local, state, and federal laws and regulations
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## New Hampshire

New Hampshire Statutes [Section 21-27-1](#) states:

Farmers market" means a market where two (2) or more farmers are selling produce exclusively grown on their own farms on a retail basis to consumers. Excluded from this term is any market where farmers or others are selling produce at wholesale and/or any market in which any individual is selling produce not grown on his or her own farm.

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## Nevada

Nevada Revised Statutes §244.336 states:

"Farmers' market" means a place of business where the actual producer of farm products can bring the products for direct sale to consumers. The term includes a place of business where a person rents space to producers for the sale of farm products.

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## New York

[New York Consolidated Laws § 260](#) states:

1. "Farmers' market" shall mean any building, structure or place, the property of a municipal corporation or under lease to or in possession of a public or private agency, individual or business used or intended to be used by two or more producers for the direct sale of a diversity of farm and food products, as defined in subdivision four of this section, from producers to consumers and food buyers. Such market may also include facilities for the packing, shipping, first-instance processing or storage of farm

and food products, and shall include all equipment used or intended to be used in connection with such facilities. Such market may also include other businesses which reasonably serve the public or make the market more convenient, efficient, profitable or successful, including, but not limited to, food service, baking, and non-food retailing.

2. "Public market" shall mean any building, structure or place, operated on a not-for-profit basis in the public interest for the buying, selling or keeping for sale of farm and food products at retail and/or wholesale, and may include a farmers' market.

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## Michigan

*Michigan Compiled Laws [Section 436.1415](#) states:*

"Farmer's market" means a group of **farmers** or their designees or a variety of vendors, as determined by the farmer's market manager or his or her designee, who assembles on a recurring basis at a defined community sponsored or municipally sponsored location for the purposes of selling, directly to a consumer, food and products produced by those **farmers** or their representatives.

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## Illinois

*[Public Acts 100-488, Section 3.3](#) states:*

"Farmers' market" means a common facility or area where the primary purpose is for farmers to gather to sell a variety of fresh fruits and vegetables and other locally

produced farm and food products directly to consumers.

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## Indiana

*The state of Indiana [defines farmers market as:](#)*

A common facility where two or more farmers or growers gather on a regular recurring basis to sell a variety of fruits, vegetables and other farm products directly to consumers

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## Iowa

*Iowa Code [Section 137F.1](#) states:*

"Farmers market" means a marketplace which seasonally operates principally as a common market for Iowa-produced farm products on a retail basis for off-the-premises consumption.

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## Maine

*[Maine's Revised Statutes §415](#) states:*

A. "Farmers' market" means a building, structure or place used by 2 or more farmers for the direct sale of farm and food products to consumers, at which all sellers of farm and food products meet the requirements of subsection 2, paragraph B.

B. "Farm and food products" means any agricultural, horticultural, forest or other product of the soil or water, including, but not limited to, fruits, vegetables, eggs, dairy products, meat and meat products, poultry

and poultry products, fish and fish products, grain and grain products, honey, nuts, maple products, apple cider, fruit juice, malt liquor, wine, ornamental or vegetable plants, nursery products, fiber or fiber products, firewood and Christmas trees.

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## Mississippi

The Mississippi Department of Food and Agriculture [defines](#) a state certified farmers market as:

“A place, structure or building that is used by 2 or more Mississippi growers on a frequent basis for the direct sale of their on-farm produce and/or food products to consumers.”

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## Missouri

Missouri Statute [Section 144.527](#) states:

"farmers' market" shall mean an individual farmer or a cooperative or nonprofit enterprise or association that consistently occupies a given site throughout the season, which operates principally as a common marketplace for an individual farmer or a group of farmers to sell farm products directly to consumers, and where the products sold are produced by the participating farmers with the sole intent and purpose of generating a portion of household income.

The following acts are prohibited:

1. A person may not use the term "farmers' market" to describe a market or other sales location that does not meet the terms of the definition set forth in subsection 1. [1993, c. 138, §1 (NEW).]

2. A person may not sell farm and food products at a market labeled "farmers' market" unless at least 75% of the products offered by that person were grown or processed by that person or under that person's direction. A product not grown or processed by that person or under that person's direction must have been grown or processed by and purchased directly from another farmer and the name and location of the farm must be identified on the product or on a sign in close proximity to the displayed product.

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## Montana

Montana Code Section 50-50-102 states:

“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

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## Ohio

Ohio Administrative Code [Chapter 901:3-6](#) states:

(5) "Farm market" means a producer operated facility where only the following food items 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 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 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.

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## Oklahoma

*Oklahoma Administrative Code [Title 310](#),  
[Chapter 257-1-2](#)*

Farmers market means a designated area in which farmers, growers or producers from a defined region gather on a regularly scheduled basis to sell at retail non-potentially hazardous farm food products and whole shell eggs to the public. A portion of the raw food ingredients used by the individual vendor to produce a product must have been grown or raised by the vendor. The individual vendors wishing to process food as defined by Chapter 260 Good Manufacturing Practices regulations must obtain a state food processor's license.

A farmers market must have written operation guidelines and a minimum of six vendors, along with a designated market manager or advisory board who will be responsible for distribution of a copy of the guideline to the vendors. Farmers markets must be registered by the Oklahoma Department of Agriculture, Food and Forestry and comply with the Food Service Establishment Regulations, OAC 310:257, and/or Good Manufacturing Practice, OAC 310:260. This definition does not include individual farmers who grow and sell

unprocessed fruit and /or vegetables from the farm, roadside or truck. Any vendors who prepare or sell any potential hazardous foods at the farmers market must abide by all applicable sections of Food Service Establishments, OAC 310:257 of the regulations including acquiring a license from the department.

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## Pennsylvania

*Pennsylvania Statutes* [§ 2402](#) defines “farmer’s market” as:

Any building, structure or place owned, leased or otherwise in possession of a person, municipal corporation or public or private organization, used or intended to be used by two or more farmers or an association of farmers for the purpose of selling agricultural commodities directly to consumers and which is physically located within this Commonwealth.”

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## Rhode Island

*Rhode Island Statutes Section 175:1* states:

"Farmers' market" means an event or series of events at which 2 or more vendors of agricultural commodities gather for purposes of offering for sale such commodities to the public. Commodities offered for sale must include, but are not limited to, products of agriculture, as defined in RSA 21:34-a. "Farmers' market" shall not include any event held upon any premises owned, leased, or otherwise controlled by any individual vendor selling therein.

*Section 292:3* states:

A corporate name shall not contain language stating or implying that the corporation is organized for a purpose other than that permitted by RSA 292:1 and its articles of agreement.

(f) The name "farmers' market" unless the entity meets the definition of "farmers' market" established (above).

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## Utah

*The Utah Department of Agriculture* [states](#):

A "Farmers market" means a market where producers of food products sell only fresh, raw, whole, unprocessed, and unprepared food items directly to the final consumer. If all vendors in the market fall within the above definition, the market itself is considered a “Farmers Market” and may be exempt from registration.

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## Vermont

*Title 6, Chapter 216* of Vermont’s statutes governs farmers markets.

*§ 5001. Definition*

In this chapter, "farmers' market" shall mean an event or series of events at which two or more vendors of agricultural products gather for the purposes of offering for sale to the public their agricultural products.

§ 5002. Vermont Farmers' Market Association membership

(a) Farmers' markets in this State that meet the minimum standards and best practices set forth in subsection (b) of this section may become members of the Vermont Farmers' Market Association.

(b) The Vermont Farmers' Market Association shall:

(1) develop minimum standards and best practices for the management and use of farmers' markets in this State and shall submit them to the Agency of Agriculture, Food and Markets for recommendations;

(2) extend memberships to farmers' markets that meet the standards and best practices established under subdivision (1) of this subsection; and

(3) prepare an annual report of its activities, including a financial statement, and make the report available to the Agency of Agriculture, Food and Markets and other interested parties no later than April 1 of each year.

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## West Virginia

West Virginia Code [§19-35-2](#) states:

"Consignment farmers market" means a farmers market in which two or more vendors deliver their own farm and food products to a common location maintained by a third party that markets the vendors' products and receives a percentage share of the profits from sales, with the individual

vendor retaining ownership of the farm and food product until it is sold.

"Farmers market" means:

1. A traditional farmers market in which two or more vendors gather to sell farm and food products directly to consumers at a fixed location;
2. An on-farm market or farm stand run by an individual producer that sells farm and food products;
3. An online farmers market in which two or more vendors collectively market farm and food products and retain ownership of those products until they are sold; or
4. A consignment farmers market.

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## Wisconsin

Wisconsin statute, [Section 97.29](#) states:

"Farmer's market" means a building, structure, or place where 2 or more individuals gather on a regular, recurring basis to sell, directly to the consumer, any of the following:

1. Raw agricultural commodities that are grown, harvested, or collected by the individual.
2. Food that is prepared by the individual.

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## Wyoming

Wyoming Statute [Section 35-7-110\(a\)\(xxviii\)](#) states:

"Farmers market" means a common facility or area where several vendors may gather on a regular, recurring basis to sell a variety of fresh fruits and vegetables, locally grown farm products and other items directly to consumers