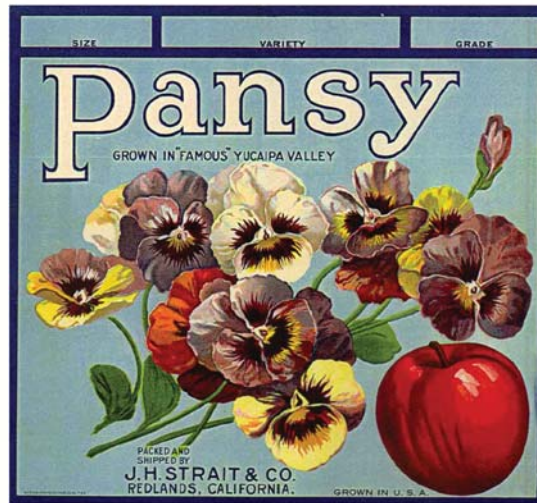


# Farm to Market



North Dakota's guide to  
selling local food

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*Vintage fruit crate art downloaded from Jason Bentley's  
www.scribd.com site and used under creative common license.*



**M**any things have changed since grandma's day when farm families grew much of their own food and shared it with their neighbors. Over the years, the link between people who eat food and the farmers who grow it has been broken.

An increased awareness and concern over the origin of food products has prompted many people to seek out more locally grown and produced foods.

This nationwide movement has revived interest in gardening, canning, cooking and purchasing food from our neighbors.

Interest in farmers markets has also grown.

In addition to participating at farmers markets, many other opportunities exist for selling directly to consumers or "direct farm marketing."

Roadside and farm stands, U-pick operations, community supported agriculture, direct sales to restaurants and stores, agri-tourism and education, and on-farm recreation are just a few of the economic opportunities for small family farms to diversify and sell directly to consumers.

One thing to keep in mind - many of the rules for direct marketing have changed over the years.

This handbook has been designed to assist farmers and other producers with North Dakota state laws and regulations regarding the sale of produce, meat products, bakery and handmade items at farmers markets, distributors or other direct marketing avenues. There are many resources for beginners as well as seasoned agriculture entrepreneurs and this publication is only the beginning.

Direct marketing is a vital part of new and emerging food systems. With the proper information and appropriate licenses, farmers can begin selling their wares and working to stay on their farms.

In the event a law has changed since this book was printed, or a conflict does arise, the applicable local ordinance, state law or federal law always prevails.



## **What is direct farm marketing?**

As the name implies, direct farm marketing eliminates the middle man - allowing people to purchase food from farmers. Not only does this practice decrease food miles and handling, but it increases the contact between consumers and farmers, thus shortening the food chain.

Shorter food chains means reduced potential for cross contamination of produce because it is handled by fewer people and transported shorter distances.

Direct farm marketing benefits consumers and growers. Fresher and better tasting foods benefit consumers and farmers gain economic advantage by selling their

products direct. Niche markets for unique products like heirloom-variety vegetables, pastured poultry or grass-fed beef and bison, can further increase farm incomes. More chefs and food service directors are also seeking fresh produce direct from the grower to provide seasonal menus and nutritious foods.

Trends supporting an increased desire by consumers for products straight from the farm can be seen in the growth of farmers markets in the state of North Dakota. In a few years, markets have increased from five to more than 50.

In addition to selling farm products, farms and farmers themselves have marketable qualities through on-the-farm experiences, agri-tourism or volun-tourism, pumpkin patches, on-the-farm festivals and community supported agriculture boxes. There are three or four farmers currently selling shares in the state.

A recent distribution study by the MSU-Bottineau Entrepreneurial Center for Horticulture shows the need for more producers in the state to fill a growing demand.

## **Examples of direct farm marketing**



### **Farmers Markets**

By far the most popular way to sell vegetables during the summer is by attending a farmers market. North Dakota farmers markets have created a nonprofit organization.

You can learn all about joining, starting and the benefits of farmers markets at the North Dakota Farmers Market and Growers Association web site at [www.ndfarmersmarkets.com](http://www.ndfarmersmarkets.com).



## **U-pick marketing**

Small fruits, pumpkins, gourds and Christmas trees are examples of good crops for U-pick operations. U-pick may eliminate time harvesting your crops, but it may take some additional time to manage the business end. Customers also need to find your farm and that will require good maps, a directory listing when possible and advertising.

## **On-farm stands**

There are several variations of on-farm stands. It's best to check with your county about zoning laws that may apply to this type of on-farm business. If you chose to sell more than locally grown produce, there will be additional laws and regulations that may apply to the business.

## **Agri-tourism**

Entertainment farming has become increasingly popular as tourists are looking for authentic experiences. Cultural heritage and eco-tourism are buzz words in the travel industry. While people may be interested in an on-farm activity like milking a cow or hoeing a row in your garden, it's best to check with local and state agencies about insurance, zoning, ordinances and business licenses that may be necessary for this type of business.

Turning your farm from growing to entertainment requires additional duties like managing book work, scheduling, advertising, and working with people. Be sure and carefully check into all aspects of an agri-tourism business before investing any money.

## **Community Supported Agriculture (CSA)**

Community Supported Agriculture has grown from a single business in the 1980s to an increasingly sought after way to purchase produce from local farmers. A customer purchases a share in a farm and in return receives a weekly allotment of in-season produce. The CSA box is delivered straight to the doorstep many times with recipes or information about the farmer.

CSAs are one of the most direct ways to market a wide variety of crops. As with all businesses relying on Mother Nature, the consumer also agrees to the possibility of potential crop failure. Consumers will also come to understand the concept of eating with the season.

### **Tips for Successful Marketing**

**Watch market trends.**

**Read about food trends and be flexible and willing to try new things.**

**Consider adding value to your products with gift cards, specialty items, newsletters, recipes, special requests, etc.**

**Creative packaging, signs or displays can make your stand “stand out” in a crowd.**

**Tell your story with photos of your day-to-day operation. A picture is worth a thousand words.**



## **Do I really need to know this?**

Like most business ventures, there are many laws and much misinformation pertaining to the sale of food and food products. Laws and regulations vary from state to state. Local ordinances and state law can be more strict than federal law, but never less strict.

In all cases, this brochure may answer most of your questions, but if in doubt, ask. Please refer to the contact information behind each section to learn more about the laws pertaining to your locale.

Areas covered in this booklet are:

- Licensing your business
- Sales tax collection and permitting
- Insurance
- Food safety and health districts
- Selling produce
- Selling meat and dairy
- Selling bakery items
- Selling handmade crafts
- Common terms and definitions
- Contact information for state and other regulatory agencies

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**In 1993, the Federal Census Bureau  
decided to no longer maintain numbers  
of farming and farm families,  
saying the quantity of farmers had become  
“statistically insignificant.”**

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## Do I need a business license?

Not necessarily.

If you occasionally do farmers markets during the summer months, you are not required by North Dakota law to hold a business license.

However, if you are using a business name, it may be wise to register that name with the state. For a \$25 fee you can register your business name for five years. You do not have to physically open a business.

Registering a business name prevents someone from using the same or a similar name. At the end of five years, you have the option of allowing the registration to lapse or renewing for another five years.

Information on types of businesses, a business name search engine and forms to register your business name can be found at the North Dakota Secretary of State's web site at:

<http://www.nd.gov/businessreg/register/index.html>.



## Do I need a tax permit?

If vendors are selling taxable items, they are required to have a sales tax permit. Sales tax permits are free.

The application can be found at:

<http://www.nd.gov/tax/salesanduse/forms/>.

The permit requires filing a return, by paper or electronically, at least once per year depending on sales volume.

If a vendor attends a special event and does not have a permit number or did not provide their permit number to

the organizer, they may be contacted by the tax department. If the tax department determines their product is taxable, vendors will have the opportunity to apply for a permit. If their sales are nontaxable, they will have the opportunity to explain why.

If you have other questions, please contact the North Dakota State Tax Department at:

600 E. Boulevard Ave.

Bismarck, ND 58505-0599

Phone: 701-328-7088 or 877-328-7088

Or visit:

<http://www.nd.gov/tax/> for questions by e-mail.

## **Examples of taxable versus nontaxable sales**

### **NO SALES TAX COLLECTED**

Farmer's market vendors who sell only fresh produce to be cooked or consumed at a later date do not need to apply for a sales and use tax permit. Produce vendors selling tangible personal property other than produce may have a sales tax collection responsibility and should comply with the rules above. This would include any handmade or hand-crafted items.

Bakery items, such as bread, rolls, muffins, cookies and bars, are not taxable unless they are sold with eating utensils by the seller or sold in a heated state.

Sales of food supplies and groceries to either a public or private school for the operation of a school lunch program are exempt from sales tax.

No sales tax applies when purchases are made using Food Stamps or WIC food vouchers.

### **PREPARED FOOD IS TAXABLE**

Prepared foods remain subject to sales tax. Prepared food includes food sold in a heated state or heated by the seller, or food that is prepared by mixing or combining two or more food ingredients for sale as a single item, or food sold with eating utensils, such as plates, knives, forks, spoons, glasses, cups, napkins, or straws provided by the seller.

Food sold in an unheated state by weight or volume as a single item is taxable only if sold with eating utensils.

Taxable food also includes meals, sandwiches, or other food intended for consumption on or near the seller's premises. Be aware that health code regulations would become applicable to items such as these.

## WHAT IS THE FARMERS MARKET MANAGER'S RESPONSIBILITY TO THE TAX DEPARTMENT?

Farmers markets are considered to be special events by the North Dakota State Tax Department.

North Dakota has implemented some new reporting laws for special events. Promoters of special events, including farmers market managers, are required to collect certain information from the vendors on behalf of the North Dakota State Tax Department.

According to a recent law, special events with 10 or more vendors are required to provide the North Dakota Tax Commissioner's office with a list of names and contact information of the participants. This list must be in the hands of the tax department within 20 days of the event.

A convenient form for collecting vendor information can be found at: <http://www.nd.gov/tax/salesanduse/specialevents/organizer.html>.

This information may be submitted online or by mail.

Organizers are responsible for requesting that all vendors fill out the Special Event Vendor Listing form.

Organizers may be subject to a \$250 penalty if they do not provide the Special Event Vendor Listing form to the tax department. If there are less than 10 vendors at the event, the form is not required but the tax department does need to be notified about the event.



## **Do I need to report my income?**

Yes, if you derive income from sources other than your job, the Internal Revenue Service wants to know.

Income from the sale of any products, independent of the sales tax collection requirements, must be reported.

Keeping records of input costs and sale of goods at farmers market or products sold directly from your farm can be beneficial at tax time. Taking the time to keep good records can pay off in the long run as you begin to build your business.

For help with recording keeping for hobbies, check out this web site:

<http://www.answerbag.com/articles/How-to-Calculate-Taxes-for-Hobby-Expenses-and-Income/ae57ecd-4c3b-6974-2dcb-b8e7ado438fb>.

A virtual library of resources for home-based business record keeping can be found at: <http://www.umext.maine.edu/hbbsite/html/record.htm>.

## Do I need special insurance?



**N**orth Dakota does not require anyone to purchase insurance on anything except motor vehicles. That does not mean that certain agencies or banks will not require proof of insurance before approving loans or other business deals. In certain instances, conditions of a license may be hinged on insurance.

A farmers market organizer, city, or the owner of the property used for a market may ask for proof of insurance before allowing a market to operate. The owner or individual vendor should never assume coverage.

It is better to ask questions of an individual insurance carrier before an incident than wait until something happens. Also ask yourself “how much can I afford to lose?”

Every insurance company differs in what it can and cannot insure. There are many types of insurance coverage, riders and special one-time policies available on today’s market. The best advice is to contact your insurance agent with questions. It is also a good idea before investing in a new business to contact local agencies such as the county or city to inform them of your plans.

The North Dakota Insurance Department oversees individual companies that do business in the state, but they do not have information about individual coverage.

On the following page are some questions you may want to bring with you when visiting with your agent.



### SOME QUESTIONS TO ASK YOUR AGENT

1. At what point does my homeowner's or farm policy no longer cover my involvement with direct farm marketing?
2. Can my homeowner's or farm policy be extended to cover my activities (with additional premiums)?
3. Is there a limit to the amount or type of direct farm sales I can make and still have them considered as incidental to my farm operation?
4. If I have a farm policy, does my liability cover my direct farm marketing sales, such as at my roadside stand, U-pick operations, delivery to restaurants and farmers markets? What activities are excluded as a "separate business" for which I need to buy a commercial policy?
5. Are there reasons why a commercial business policy might be better for my activities?
6. If my farm liability policy does not cover sales at the farmer's market, what type of policy should I buy for this purpose? Would it cover product liability?
7. Does my farm liability policy cover agri-tourism? (Customers who pay to visit my farm or sleep on the premises)
8. Does my automobile insurance cover the use of farm vehicles for deliveries made by employees and family members?
9. When I decide to hire employees for my activities, do I need to change my insurance policy? (You may want to check with North Dakota Workforce Safety and Insurance about workers compensation coverage.
10. Are volunteers and interns covered by my policy?

## Hold Harmless Agreement

A waiver or release is a way to shift liability to someone else. When appropriate, you are better off having a release than not. The release will not be useful if you have not taken precautions to reduce the possible risks of harm to your customers.

Insurance questions were found at the USDA Risk Management web site found at:

[http://www.communityagcenter.org/Risk\\_Liability/Insurance.htm](http://www.communityagcenter.org/Risk_Liability/Insurance.htm)

A sample hold harmless agreement can also be found at the site listed above.

## Vegetable irrigation

In 2009, North Dakota Governor John Hoeven signed House Bill 1286 changing the definition of “irrigation use” as it pertains to commercial gardens.

Previously, if a garden exceeded one acre, the owner was expected to obtain a permit from the North Dakota State Water Commission for permission to water.

Beginning August 1, 2009, if a commercial garden is five acres or less, you do not have to apply for an irrigation permit.

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**Your best source of information may be in  
striking up a **conversation** with  
someone who has been there.  
Remember there are no hard and fast rules,  
do what works best for you.**

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## Complying with local health codes

**F**resh, nutritious and quality vegetables are some of the highest-ranking selling points for local foods and farmers markets. While the North Dakota State Health Department acknowledges farmers markets were designed for selling fresh produce to individual customers, there are additional state and local laws governing what can be legally sold without inspection or licensing at a farmers market.

North Dakota Century Code (23-09.2) was written to exempt public-spirited organizations and persons not selling food or preparing food for sale on a regular basis from the law requiring commercial or inspected kitchens. This means food for sale at farmers markets, bake sales or similar enterprises can be prepared outside of a commercial or approved kitchen. The legislature authorized the department of health to offer educational support to these people. Keep in mind, limits to the types of food you can prepare at home and sell at farmers markets must comply with the state health department or local health district. These entities regulate food safety.

North Dakota has three city/county health departments; one city/county health district; seven multi-county health districts; six single county health departments; and 11 single county health districts in the state.

These health units can implement local ordinances that are more restrictive than the state's, but not less restrictive. This authority in local health districts explains why there are discrepancies in the kind of items that can be sold at farmers markets in different areas of the state.

## General guidelines

**PRODUCE** – all uncut/unsliced produce for individual consumer use is acceptable to sell at a farmers market.

**BAKERY** – baked goods can be sold at farmers markets if they do not contain any potentially hazardous ingredients such as cream.

Remember only baked goods sold to be eaten off site are considered non-prepared food items. Anything sold with eating utensils will be subject to sales tax.

Potentially hazardous baked goods include:

- Kuchens
- Cream pies
- Any item that would require refrigeration

**JAMS AND JELLIES** – Jam and jelly have less potential for contamination because of the high sugar content and are okay to sell at farmers markets.

**PICKLES** – Some health departments do not allow the sale of pickles at farmers markets. Be sure and check with your local unit. Contact information can be found following this chapter.

**EGGS** – eggs may be sold directly to the consumer from the farm without violating any state laws. Eggs that are sold to consumers, grocery stores, schools, etc. are subject to some regulation. The North Dakota Department of Agriculture issues permits for the sale of eggs after inspection of premises. After licensing, eggs may be sold but must be sanitized, candled and then placed in new cartons. Eggs for sale must be kept in a refrigerator that

does not contain other dairy products. Permits are \$5 and can be obtained by contacting the North Dakota Department of Agriculture at 701-328-2231 or Wayne Carlson, Program Manager/Dairy, 701-328-4761, or e-mail: [wcarlson@nd.gov](mailto:wcarlson@nd.gov).

When selling eggs at a farmers market, they must be kept refrigerated with an ambient air temperature of 41-degrees Fahrenheit or less.

**POULTRY** – A farmer may sell up to 1,000 processed chickens from the farm without inspection of any kind. A producer may also apply for an exemption from the North Dakota Department of Agriculture. This allows a farmer to sell up to 20,000 birds annually with a quarterly inspection of the facility.

Fresh poultry must be kept at 41 degrees Fahrenheit or less and frozen poultry must be kept at zero degrees Fahrenheit. Packages must be labeled with:

- Producer's name
- Producer's address
- The statement "Exempt P.L. 90-492."

Non-inspected poultry cannot be sold to retail grocery stores or food service facilities under state health department regulations.

**MEAT** – meat products may be sold at farmers markets only if they have the USDA or North Dakota state mark that indicates processing has been done under inspection.

Sale of meat in North Dakota also requires a retail meat license available from the North Dakota State Health Department at: Food and Lodging Division, 701-328-1291, toll free 800-472-2927.



Although there will be changes in the near future, state inspected meat cannot currently be sold across state lines.

There are 15 state inspected processing plants. The complete list of plants can be obtained from the ag department website: <http://www.agdepartment.com/Programs/Live-stock/NDMeatProcessors.html>.

Meat must be kept fresh at a temperature of 41-degrees or less and if frozen at zero degrees Fahrenheit and must be labeled with:

- The true name of the product
- Ingredients if applicable
- Name and address of processor
- Net weight
- Inspection legend
- Safe handling instructions (if product is not fully cooked). Below is the standard label.

### SAFE HANDLING INSTRUCTIONS

This product was prepared from inspected and passed meat and/or poultry. Some food products may contain bacteria that could cause illness if the product is mis-handled or cooked improperly. For your protection, follow these safe handling instructions.

Keep refrigerated or frozen. Thaw in refrigerator or microwave.

Keep raw meat and poultry separate from other foods. Wash working surfaces (including cutting boards), utensils, and hands after touching raw meat or poultry.

Cook thoroughly.

Keep hot foods hot. Refrigerate leftovers immediately or discard.

If you have questions, please contact Dr. Andrea Grondahl, DVM, at the North Dakota Department of Agriculture, 701-328-4762 or 800-242-7535.

FISH – fish may not be sold unless commercially farmed or legally caught and harvested.

MUSHROOMS – Species harvested in the wild must be individually inspected and deemed safe by an approved mushroom identification expert.

# NO-NOs

NO CANNED MEATS

NO CANNED VEGETABLES

NO WILD GAME

NO RAW SEED SPROUTS

NO RAW MILK  
or products made from raw milk

NO CUT VEGETABLE SAMPLES  
or sampling without permission and proper training  
within your health district.

## FOOD DONATED TO CHARITIES

North Dakota Century Code (19-05.1-01-05) allows for gleaners of agricultural crops to donate perishable food items to local food pantries. Pantries are allowed to distribute these donations free of charge. The state and local health departments are available to inspect the food before distribution if questions about its safety arise.



## BUY/SELL ITEMS

If you are purchasing large lots of products such as dried fruits or nuts and creating smaller packages for sale you must label individual lots with:

- Common name of food or identifying statement
- If multiple ingredients, a list in descending order of the predominance by weight
- Any artificial color or flavorings
- An accurate weight
- Name and place of the food source for each major food allergen in the food unless that ingredient is part of the name
- Name and place of business of manufacturer, packer or distributor

Packaging must be done in a licensed and inspected facility. The state requires someone who repackages food to be licensed as a manufacturer or processor.

## Regional restrictions

As previously mentioned, individual health districts have the authority to create rules and regulations that are more strict than the North Dakota Department of Health. This section consists of a break down of additional restrictions on farmer markets' sales within individual districts.

Please refer to the contact information at the end of each section if you have additional questions.

Two health units have blanket restrictions on the sale of produce at farmers markets. They are:

### UPPER MISSOURI DISTRICT HEALTH UNIT

This district includes Williams, Divide, McKenzie and Mountrail Counties, including the city of Williston.

This district adheres to the state health code except within the city of Williston. Only grocery stores and schools may purchase produce directly from farmers. Restaurants are not allowed to purchase direct from farmers.

### SOUTHWESTERN DISTRICT HEALTH UNIT

This district includes Adams, Billings, Golden Valley, Bowman, Slope, Dunn, Hettinger and Stark Counties including the city of Dickinson.

Grocery stores can purchase produce from farmers markets, however, restaurants cannot.

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Know your product,  
**you** are the best advertising.

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## What can I sell at farmers markets?

Items that can be sold within individual health units and departments vary from county to county. The following information provides a general list of items allowed at farmers markets and the contact information for the individual health units. Remember, if you have additional questions, it is best to contact the closest health department. Please cross reference the state codes for details about individual items.

### Barnes County/Valley City

No permits required and no regular inspections.

#### ALLOWED

Whole fruits and vegetables, pickles, jams, jellies and bakery items

#### NOT ALLOWED

Beef, fish and dairy

#### ALLOWED WITH PROPER HANDLING

Poultry and eggs

CUT SAMPLES will be allowed with proper training and handling, be sure to call for a complete list of requirements and/or training.

(PLEASE NOTE: HEALTH UNITS ARE LISTED IN ALPHABETICAL ORDER INASMUCH AS SPACE ALLOWS.)



## **Bismarck Fire Department**

City of Bismarck

Address: 1020 East Central Avenue, Bismarck ND 58501

Phone: 701-355-1418

[www.bismarck.org/city\\_departments/department/default.asp?dID=17](http://www.bismarck.org/city_departments/department/default.asp?dID=17)

E-mail: Mel Fischer: [mfischer@nd.gov](mailto:mfischer@nd.gov)

Bismarck requires a permit for the sale of food to the public. There are two ways to acquire a permit. An organization can apply for a permit and the group or market manager will be responsible to police the vendors. Or, an individual vendor may apply for a permit.

The cost is \$75 for the year. After July 1, permits are prorated to \$37.50. All permits expire at the end of December. To obtain a permit call Mel Fischer, Department of Environmental Health, at 701-355-1400.

### **ALLOWED WITH PROPER HANDLING**

Whole vegetables and fruits, honey, and baked goods with the exception of kuchen, cream pies or anything that would require refrigeration

### **NOT ALLOWED**

Eggs, meat, dairy, cheese or canned foods

## **Cavalier County**

No permits required and no regular inspections of markets. Please refer to North Dakota Department of Health regulations for guidance. Will investigate complaints.

## Central Valley Health District

Stutsman and Logan Counties. The Southeast-Central Region includes Stutsman, Logan, Wells, Foster, Barnes, Lamoure, Dickey and McIntosh Counties and includes the city of Jamestown

Address: 122 2nd St. NW, Jamestown ND 58402

Phone: 701-252-8130

[www.centralvalleyhealth.org](http://www.centralvalleyhealth.org)

E-mail: Jim Michael: [jmichael@nd.gov](mailto:jmichael@nd.gov)

No permit required and no regular inspections.

### ALLOWED

Whole fruits and vegetables, pickles, jams, jellies, bakery items

### NOT ALLOWED

Beef, poultry, fish and prepared foods such as sandwiches

### ALLOWED WITH INSPECTION

Dairy products/cheese

*(NOTE: Bakery items with cream fillings, such as kuchen and cream pies must be refrigerated at a proper temperature.)*

## Trail County

No permits are required and no regular inspections of farmers markets.

### ALLOWED

Whole fruits and vegetables

## Custer Health Unit

Morton, Mercer, Grant, Oliver and Sioux Counties and the city of Mandan

Address: 210 2nd Ave. NW, Mandan ND 58554

Phone: 701-667-3370 or 1-888-667-3370

[www.co.morton.nd.us/index.asp?Type=BASIC&SEC={0969BF21-3993-451A-8FD7-D72D-4FA5BF3D}](http://www.co.morton.nd.us/index.asp?Type=BASIC&SEC={0969BF21-3993-451A-8FD7-D72D-4FA5BF3D})

E-mail: Anton Sattler: [asattler@custerhealth.com](mailto:asattler@custerhealth.com)

No permit required and no regular inspections.

### ALLOWED

Whole fruits and vegetables, bakery items, dairy products/cheese, honey, eggs, pickles, jams and jellies

### ALLOWED WITH INSPECTION

Beef, poultry and fish

### NOT ALLOWED

Prepared foods such as sandwiches

CUT SAMPLES will be allowed with proper training and handling, be sure to call for a complete list of requirements and/or training.

*(NOTE: bakery items are exempt only if 100 percent of proceeds go to nonprofit or charitable organizations. Other baked goods must be prepared without potentially hazardous ingredients as listed under state health code.)*

## Fargo Cass Public Health

Address: 401 3rd Ave. N, Fargo ND 58102

Phone: 701-241-1360

[www.cityoffargo.com/health](http://www.cityoffargo.com/health)

E-mail: Doug Jensen: [dejensen@cityoffargo.com](mailto:dejensen@cityoffargo.com)

No permit required and no regular inspections.

### ALLOWED

Whole fruits and vegetables, pickles, jams, jelly, honey and bakery items

### ALLOWED WITH INSPECTION

Beef, poultry, fish, dairy/cheese, eggs and prepared foods such as sandwiches

CUTS SAMPLES will be allowed with proper training and handling, be sure to call and for complete list of requirements and/or training.

*(NOTE: Meat, poultry, fish, eggs, and dairy products allowed "with inspection" refers to those under federal or state regulatory authority where as prepared food service activity would be under local regulatory authority.*

*Although regular inspections are not conducted at the farmers markets, the department is available to answer any questions vendors may have regarding safe source, handling, and display of food.*

*While markets are not required to register with Fargo Cass Public Health, it is appreciated when our office is notified when and where someone will be operating.)*

## First District Health Unit

Bottineau, Burke, McHenry, McLean, Renville, Sheridan and Ward Counties including the city of Minot  
Address: 801 11th Ave. SW, Minot ND 58702  
Phone: 701-852-1376  
[www.fdh.u.org](http://www.fdh.u.org)  
E-mail: Jim Heckman: [jheckman@nd.gov](mailto:jheckman@nd.gov)

No permit required. However, if any items other than whole, raw fruits and vegetables will be sold, then a license from the department would be required.

No regular inspections.

### ALLOWED

Whole fruits and vegetables and bakery items

### ALLOWED WITH INSPECTION

Beef, poultry, eggs, dairy/cheese, pickles, jams, jellies, and prepared foods such as sandwiches.

## Foster County

No permits required and no regular inspections of markets. Please refer to North Dakota Department of Health regulations for guidance.

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**Be organized, set up early, be prepared  
to make that first sale of the day.**

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## **Grand Forks Public Health Dept.**

Address: 151 S 4th St., Ste. N301, Grand Forks ND 58201

Phone: 701-787-8100

[www.grandforksgov.com/publichealth](http://www.grandforksgov.com/publichealth)

E-mail: Wally Helland: [whelland@grandforksgov.com](mailto:whelland@grandforksgov.com)

Registration required with regular inspections.

### **ALLOWED**

Whole fruits and vegetables

### **ALLOWED WITH INSPECTION**

Beef, poultry, fish, dairy products/cheese and eggs

### **NOT ALLOWED**

Pickles, jams, jellies, bakery and prepared foods such as sandwiches

*(NOTE: Any and all canned, baked or prepared foods must be processed in an inspected commercial kitchen. The exception would be a nonprofit bake sale if the baked goods were prepared in the church kitchen. All items sold at the local Farmers Market must come from approved sources, with the exception of whole fruits and vegetables. Grand Forks Public Health will not permit any products that are home prepared. All food related items must be cleared through the health department.)*

## **Kidder County**

No permits required and no regular inspections of markets. Please refer to North Dakota Department of Health regulations for guidance.

## **Lake Region District Health Unit**

Ramsey, Benson, Pierce and Eddy Counties including the city of Devils Lake.

524 4th Ave. NE, Unit 9

Devils Lake ND 58301

701-662-7035

E-mail: Allen McKay: [amckay@nd.gov](mailto:amckay@nd.gov)

No permit required.

Markets are regularly inspected.

### **ALLOWED WITH PROPER HANDLING**

Whole vegetables and fruits, eggs, jams, jellies and bakery items

### **ALLOWED WITH INSPECTION**

Beef, poultry, fish, dairy/cheese, pickles and prepared foods such as sandwiches

CUT SAMPLES will be allowed with proper training and handling, be sure to call for a complete list of requirements and/or training.

## **Richland County**

No permits required and no regular inspections of markets.

In the city of Wahpeton, sales must take place in commercially zoned areas. Please refer to the department of health regulations for guidance.

## **Rolette County**

There are presently no regulations or ordinances pertaining to farmers markets. Please refer to department of health regulations for guidance. If you have questions, please call Rolette County Public Health at 701-477-5646.

## **Sargent County**

No permits are required and there are no regular inspections of farmers markets.

### **ALLOWED**

Whole fruits and vegetables, bakery items (please observe the state health code on crème pies, kuchen and other items that may need refrigeration.)

### **ALLOWED WITH INSPECTION**

Beef, poultry, dairy/cheese, and fish

### **ALLOWED WITH PROPER HANDLING**

Eggs, pickles, jams, jellies, and prepared foods such as sandwiches

CUT SAMPLES will be allowed with proper training and handling, be sure to call for complete list of requirements and/or training.

## **Walsh County**

No permits required and no regular inspections of markets. Please refer to North Dakota Department of Health regulations for guidance.

## Southwestern District Health Unit

Adams, Billings, Golden Valley, Bowman, Slope,  
Dunn, Hettinger and Stark Counties including the city of  
Dickinson

Address: 2869 3rd Ave. West, Dickinson, ND 58601

Phone: 701-483-0171 or 1-800-697-3145

<http://www.swdhu.org>

E-mail: Kevin Pavlish: [kpavlish@nd.gov](mailto:kpavlish@nd.gov)

No permit required and no regular inspections.

### ALLOWED

Whole fruits and vegetables, pickles, jams and jellies,  
bakery items

### NOT ALLOWED

Beef, poultry, fish, dairy products/cheese, eggs, pre-  
pared foods such as sandwiches

CUT SAMPLES are not allowed

## Tips for Successful Marketing

Consistent, quality products attract  
repeat customers.

Set your prices and stick to them.

Work with your fellow vendors in setting fair prices  
for products. Everyone needs to work together to  
establish high market standards.

## **Towner County**

No permits are required and no regular inspections of farmers markets.

### **ALLOWED**

Whole fruits and vegetables, jams, jellies, bakery items and prepared foods such as sandwiches.

### **NOT ALLOWED**

Beef, poultry, fish, dairy products/cheese, eggs and pickles

CUT SAMPLES will be allowed with proper training and handling, be sure to call and for complete list of requirements.

## **Upper Missouri District Health Unit**

Divide, McKenzie, Williams and Mountrail Counties including the city of Williston

Address: 110 W Broadway, Ste. 101, Williston ND 58801

Phone: 701-774-6400

[www.UMDHU.org](http://www.UMDHU.org)

E-mail: Daphne Clark: [dclark@umdh.org](mailto:dclark@umdh.org)

No permit required and no regular inspections.

### **ALLOWED**

Whole fruits and vegetables



## When in doubt

For areas not listed, or additional questions, please contact your local health and/or the North Dakota Division of Food and Lodging, Kenan Bullinger, Director by e-mail: [kbullinger@nd.gov](mailto:kbullinger@nd.gov) or Debra Larson, Administrative Assistant by e-mail: [djlarson@nd.gov](mailto:djlarson@nd.gov); or call 701-328-1291.

## Who Needs a PACA License

You may. Any person who buys or sells more than 2,000 pounds of fresh or frozen fruits and vegetables in any given day is required to be licensed under the Perishable Agricultural Commodities Act. Wholesalers, processors, truckers, grocery wholesalers, and food service firms fit into this category.

A person who negotiates the sale of fruits and vegetables on behalf of another person is required to be licensed on the first transaction. A person operating in this capacity may be considered to be a commission merchant, broker, or a growers' agent.

A broker handling only frozen fruits and vegetables, however, is not subject to the PACA licensing requirements until the invoice value of the total negotiated sales exceeds \$230,000 in a calendar year.

A person selling at retail is subject to a PACA license once the invoice costs of fresh and frozen fruits and vegetable purchases exceed \$230,000 in a calendar year.

To apply for a license, to obtain more specific information about licensing requirements, or to find out if a firm is a licensee, call us toll-free at 800-495-7222.

More information is available on the USDA web site at: <http://www.ams.usda.gov>. Search keyword PACA.

## Grading fruits

If you are planning on expanding your business and market to schools and institutions, it will be helpful to understand the USDA's fruit and vegetable grading standards as many bids will specify grade.

All U.S. grade standards are accessible for free on the internet at: <http://www.ams.usda.gov/>

Commodity specific Inspection Instruction handbooks and all other publications are also available for a nominal fee. Orders for handbooks must be accompanied by a check or money order made payable to "Agricultural Marketing Service, USDA." Credit Card orders are now available. Individual standards range in price from 70 cents for broccoli to \$12.80 for grapes.

### PLEASE SEND YOUR REQUEST TO:

USDA, AMS, Fruit and Vegetable Programs  
Fresh Products Branch  
Watt Eighty Business Park  
3355 Myrtle Avenue, Suite 240  
North Highlands, CA 95660  
Telephone: 916-332-4566, Ext. 4568  
Fax: 916-332-4572

### FOR ADDITIONAL INFORMATION:

USDA, AMS, Fruit and Vegetable Programs  
Fresh Products Branch, Standardization Section  
100 Riverside Parkway, Suite 101  
Fredericksburg, VA 22406  
Telephone: 540-361-1120  
Fax: 540-361-1184

## HELPFUL DEFINITIONS

**APPROVED SOURCE** – Acceptable to the state health department based on a determination of conformity with principles, practices, and generally recognized standards that protect public health.

**ALLOWED WITH INSPECTION** – items for sale that have been prepared, processed or canned according to USDA, North Dakota state or federal regulations. Please contact the appropriate agency for assistance in compliance with these laws.

**ALLOWED WITH PROPER HANDLING** – items or services allowed at farmers markets with proper training in handling or preparation.

**GAP** – Good agricultural practices. Cornell University Department of Food Science has education materials available online [www.gaps.cornell.edu/FSBFeng.html](http://www.gaps.cornell.edu/FSBFeng.html). The recommended publication for growers is “Food Safety Begins on the Farm English.”

**LOCAL FOODS** – Food products from a defined area whether 100-miles radius, county or state boundary.

**SPECIAL EVENT** – Entertainment, amusement, recreation or marketing events that occur at a single location on a reoccurring or irregular basis.

*Many thanks to the employees of the following state agencies who assisted with compiling this information:*

- North Dakota Department of Agriculture
- North Dakota Department of Health
- North Dakota Secretary of State
- Office of the State Tax Department
- North Dakota Insurance Department