2027 TUSCALOOSA FARMERS MARKET
OPERATING RULES AND REGULATIONS

INTRODUCTION AND PURPOSE

The Tuscaloosa River Market is a destination that combines the City's River Walk along the peaceful Black Warrior River with the convenience and opportunity to shop for homegrown produce, baked goods, and crafts in a relaxing and enjoyable outdoor venue. The City of Tuscaloosa Farmers Market is a Certified Alabama Farmers Market organized under the Alabama Farmers Market Authority and complies with the rules as prescribed by the Authority.

The purpose of the Farmers Market is to provide certified locally grown and produced fruits, vegetables, meats and other non-certifiable agricultural products and crafts by direct marketing to the local community and surrounding areas. The River Market provides a venue that offers the community a superior food shopping experience while at the same time encouraging and providing farmers and vendors with a well-organized, well operated and profitable retail market for their products.

It is the intent and desire of the City of Tuscaloosa to implement and enforce all rules and regulations pertaining to the operation of the River Market in a fair and equitable manner for the enjoyment and benefit of the community and its vendors.

> *The market is organized under the Alabama Farmers Market Authority as prescribed in the Alabama Code 2-5 A-1 et. Seq. and will comply with Chapter 80-7-1 of the Alabama Department of Agriculture and Industries Administrative Code.*

LOCATION

The Tuscaloosa River Market is located at 1900 Jack Warner Parkway Tuscaloosa, AL 35401. It is across from the Tuscaloosa Public Library and Mildred Westervelt Warner Transportation Museum.

THE SELLING SEASON

SATURDAYS
January 2 – December 18, 2027
(Closed on Dec. 25, 2027 & Jan. 1, 2028)
HOURS: 7:00 am – 12:00 pm

TUESDAYS
June 1 – July 27, 2027
HOURS: 3:00 pm – 6:00 pm

The Farmers Market is open every Saturday all year from 7 am to 12 pm. The market closes on the Saturday(s) between Christmas and New Years. We will have Tuesday afternoon markets in June & July from 3 pm – 6 pm.

MARKET MANAGER

The Tuscaloosa Farmers Market will have a Market Manager who is responsible for reviewing and managing each year's guidelines, rules, and schedules. The Market Manager also reviews any complaints or violations, and hears grievances from vendors, regarding the operation of the Market Program. The Market Manager's job on the Market site is to coordinate all of the activities of the weekly functioning of the Market and to implement market policies. This includes oversight of the Market set-up and clean-up, daily assignments, collection of dues, fees and information, assuring vendor compliance with cleanup, all River Market policies, and answering questions.

The Market Manager, or their designated agent, shall have supervision and control of the regular activities of the Market. They shall have full responsibility for making certain that all rules and regulations are followed by all Market Program participants and/or his/her agent(s) or employee(s).

The Market Manager is Alexis Clark and all Market questions may be directed to her via the following:
Alexis Z. Clark
1900 Jack Warner Pkwy. Tuscaloosa, AL 35401
Office: 205-248-5296; Cell: 205-614-2069
Email: aclark@tuscaloosa.com

APPLICATION & SELECTION PROCESS

All vendors must complete an application through www.TuscaloosaFarmersMarket.com and be approved. Vendors must pay appropriate fees prior to selling. As a Certified Farmers Market, we must maintain a 70% Food to 30% Artisan vendor ratio. Additionally, priority is given to fruit and vegetable growers. We try to limit like-types of vendors to two. Due to the number of vendor applications, we maintain a waiting list for vendors that are similar to types of vendors that are already admitted to the market. Should a vendor fall behind in attendance or leave the market, we will call on vendors from the waiting list to fill any open spots. At the time of application, all producers and vendors shall provide copies of any permits and licenses applicable to the sale of their products.

Arts and crafts are not permitted for sale at the market unless they have received prior approval by the Market Manager**.** Items purchased for resale as well as items made from kits, commercially available plans and items that are mechanically mass-produced may not be sold at the Market. If there is any question whatsoever about whether an item may be sold at the market, a brief written proposal should be submitted to the Market Manager for review.

Tuscaloosa Farmers Market is a year-round event that takes place every Saturday. We understand that farmers harvest produce seasonally and may be out of the market for weeks at a time. This is reasonable.

For our artisan vendors and bakers, we are looking for vendors that will commit to the entire year and be in attendance at least twice per month. Should your attendance slip below twice a month on average, you may be asked to leave the market. For extenuating circumstances, please, reach out the the Market Manager. For returning applicants your attendance from the previous year will determine whether you are accepted for future membership.

ELIGIBILITY REQUIREMENTS:

All persons who locally produce food, agricultural products, and hand-crafted consumable, artisanal, and/or personal use products with the intent to sell at the Market are eligible to sell at the market. The staff and management of the Market do not allow, nor engage in, any discriminatory practices or polices regarding race, color, religion, ancestry, national origin, sex, sexual orientation, age, or disability.

GENERAL RULES:

A. *Definition of Vendor:* Only local producers may sell in the Market. “Local” is defined as produced or created within the borders of the state of Alabama, and/or within 25 miles of the State borders closest to the program. A “producer” is defined as the person that grows, makes, harvests or catches the product and may also include the producer's immediate family, partners, and employees. The number of non-food/value-based vendors may not exceed 30% of the total vendors. Arts and crafts are not permitted for sale in the Market unless they have been vetted and approved by the Market Manager. Items purchased for resale, as well as items made from kits, commercially available plans, and items that are mechanically mass-produced shall not be permitted in the Market. A partnership, for the purpose of this document, is defined as two or more individuals engaged together in the joint production of products. It is within the descretion of the Market Manager based upon extinuating circumstances to determine who may sell for a producer.
   a. Farmers may sell limited amounts (20%) of products from neighboring Alabama farms on a temporary basis at the discretion of the Market Manager. These items must be approved before they are sold and a copy of the other producer’s Grower’s Permit must also be provided to the Market Manager. Failure to seek approval could result in a written violation. An initial approved site visit by the Market Manager must be completed and a copy of the current year’s Grower’s Permit must be submitted before initially selling in the Market. A copy of the annual Grower’s Permit must also be submitted each subsequent year a producer wishes to participate in the Market. Permits are available at the County Extension Office. Site visits are scheduled by contacting the Market Manager’s office number listed above. The Market Manager will retain a copy of this certificate. Growers Permits are available at no charge from the Tuscaloosa County Extension Office located at 2501 7th Street Tuscaloosa, Alabama 35401, (205) 349-4630 or at the extension office in the county from which the farm operates. The purpose of the certificate is to ensure that the products sold originate with producer, his or her family, employees or partners. This allows the producer and the customer to be exempt from state and local taxes for goods sold in the original state of production or condition of preparation for sale as pursuant to Ala. Code §11-51-105 (1975). The Sweet Grown Alabama Act allows producers to use their farm products to make value-added products such as jams, jellies, pickles, etc. from and sell them tax exempt.
   b. All growers with a current Grower’s Permit are eligible to become vendors in the Market Program without regards to duplication of merchandise, space permitting.
   c. Vendors, other than growers, are subject to review with regards to products sold to avoid duplication of merchandise.
   d. All vendors will submit a business bio at the time they submit their application and all other necessary documents.
   e. Any and all vendors will neither allow, nor engage in, any discriminatory practices or policies regarding race, color, religion, ancestry, national origin, sex, sexual orientation, age, or disability.
   f. Should a waiting list for vendors be established, vendors on such list would be invited to participate in the Market Program based upon their length of time on the waiting list and the uniqueness of their product at the Market.

B. *Permitted Items for Sale*: First and foremost, the Market Program is a Certified Alabama Farmers Market as defined by the State of Alabama Department of Agriculture. Items allowed for sale in the Market Program include raw vegetables and fruits, edible plants, flowers, eggs, honey, shelled beans and peas, nuts, garlic, grains, herbs, bedding plants, herbal vinegar, bread, pastries, cookies, cakes, cheesecakes, chocolates, fruites, syrups, jams and jellies, herbal and vegetable spreads, fresh juice and cider, frozen seafood, cheese, cured sausages and meats. Prepared foods from a commercially approved kitchen are allowed. Hand-crafted items, ingestible items, and those for personal body use from an approved crafter are allowed.

C. *Meat products*: Live animals are prohibited for sale at the Market Program;

a. Only uncooked, raw meats, including fish and seafood that are processed, packaged, and labeled at an inspected facility or are otherwise exempted (rabbits, chickens, quail, and bison) from inspection may be sold at the Market Program;
b. Beef, pork, and lamb products sold at the Market Program must originate from livestock slaughtered in a government (federal or state) inspected facility;
c. All meat and poultry products must be wrapped and labeled with the seal of inspection on the package. Refer to the USDA publication "Guidance for Determining Whether a Poultry Slaughter or Processing Operation is Exempt from Inspection Requirements of the Poultry Products Inspection Act Revision, 1 April, 2006," provides detailed information on the requirements for the sale of poultry at farmers markets; and,
d. Meat products, other than fish, and shellfish must be brought to the Market Program in frozen condition and kept frozen until sold.

D. *Fishermen and Seafood*: Any vendor wishing to sell fresh or frozen seafood, either retail or wholesale, in the Market Program must have a valid Alabama Seafood Dealer's License and provide a copy of it to the Market Manager and must follow all rules and regulations associated with the selling of seafood. This does not apply to any vendor preparing finished or "value added" products such as cooked seafood that has been purchased through a licensed dealer. Seafood sold in the Market Program must be local seafood caught in the Gulf of Mexico or associated waters or farm raised in the state of Alabama. Applications and information regarding licensing are available by contacting the Alabama Marine Resources Division.

   All seafood must be sold pre-packaged. The vendor cannot open the package to add or remove any seafood product. The vendor must also provide the Market Manager the following:
   1. A letter on company letterhead stating they are an approved source who can pre-package seafood for the vendor and what declared weights will be in the packages. The vendor should have hand cards with the name and number of the processor or retail market to hand out with each package; and,
   2. If the vendor captains their vessel, they must provide a copy of their vessel registration along with a letter stating the vendor pre-packages the seafood on board the vessel and what declared weights will be in the packages. Good sanitation practices must be practiced on board the vessel.

   In all cases the product temperature on seafood must be maintained at 41*F or below. Packaged crabmeat and/or fingers should already be packed by a processor and will need to be held below 41*F and meet any Alabama Seafood Branch requirements.

   Shell stock (oysters in the shell) must be delivered by a certified dealer and sold from a refrigerated conveyance approved by the Alabama Department of Public Health (ADPH). All shell stock associated tagging and record keeping requirements of both ADPH and AMRD must be met. Shucked oysters may be sold iced down but must still be code dated from a certified processor.

   Contact information for all certified processors must be available for hand out with each seafood sale.

E. *Dairy Products*: All dairy products, including cheese, must be processed, packaged, and labeled at a facility permitted and inspected by the Alabama Department of Public Health's Milk and Food Processing Branch. Products must have the proper labeling with vendor contact information or have that information posted in such a manner that the consumer will know who to contact if necessary.

   The sale of raw milk for human consumption is not legal and cannot be sold at the Market.

F. *Shell Eggs*: Shell eggs are considered farm products and may be sold at the Market Program with proper labeling information on the package. Egg label information required is the size of egg (small, medium,

large, x-large), name and address of egg packer, and date eggs were packed. If you are reusing store branded cartons, you must mark out all identifying information prior to labeling with your own. Carton or egg container and egg product itself must be sanitized and free from fecal matter and other farm filth. The Department of Public Health requires that shell eggs must be in a chilled environment (45 degrees), such as an ice chest with "re-freezable" ice blocks.

G. *Market Body Products*: Soap, and for the purposes of this Market, any body products including candles under the jurisdiction of the Consumer Product Safety Commission which requires the following on the label:
    1. Wording on the package that identifies the product as "soap", "lotion", etc.;
    2. Net weight of product. The weight is a state requirement, and while a vendor may have soap that weights MORE than is stated, it may not weigh less. For example, most bars are usually 4.5 oz. and up; to allow for a comfortable margin, labels may say 4.25 oz; and
    3. Name and address of your business.

    Though not required by the Consumer Product Safety Commission, Tuscaloosa Farmers Market requires that the following be included on labels, per the guidelines of the FDA:
    1. List the ingredients in descending order of predominance (the % of the total formula);
    2. List them using the most commonly accepted industry standard names (sometimes called INCI);
    3. Fragrance must be listed; however, it may be listed simply "fragrance"; and,
    4. Ingredients that are less than 1% of the total formula must be listed and may be listed in any order at the end of the list of ingredients.

    Labels must be attached to all products that fall under this heading. They may be attached via adhesive, tied, or by some other pre-determined way as acceptable by the Market Manager.

H. *CBD and Hemp Products*: All CBD and Hemp growers must be licensed by the ABC Board.

I. *Necessary documents, permits, and labels*: All growers/producers must provide a copy of their current Market year Grower's Permit from the Cooperative Extension Office. All vendors participating in the Market Program must comply with Tuscaloosa County Health Department regulations. In 2009, new regulations regarding the origin of non-potentially hazardous products were established and they are as follows:

    Chapter 420-3-22-.01 now excludes a kitchen in a private home from the definition of food establishment if only food that is ***not potentially hazardous*** *(time or temperature control required for safety) is prepared for sale or service at a function such as a charitable, religious, civic, or not-for-profit organizations' food sale, or at a state sanctioned farmers market,* ***and*** *if the consumer is informed by a clearly visible label, tag, or placard at the sales or service location that the food is prepared in a kitchen that is not inspected by a regulatory agency.*

    Label, Tag, or Placard must conform to the size of 3 5/8" x ½" and to the form of the label below, and be placed at the top of the product that is to be sold.

    This item(s) was prepared in a kitchen that
    is NOT inspected by a regulatory agency.

    This exclusion shall ***not*** *be construed as allowing the sale of low acid foods in a hermetically sealed container (i.e. such as home-canned vegetables) when such food is not prepared in a permitted establishment.* ***Effective date is April 23, 2009.***

For information regarding home processed products, meat products, insurance, proper weights and measures, dairy products, and shell eggs refer to the Alabama Department of Agriculture and Industries, Farmers Market Authority Administrative Code, Chapter 80-7-1.04(c)(e)(g)(h)(i)(j). It can also be found at https://agi.alabama.gov/farmersmarket/wp-content/uploads/sites/9/2021/01/Administrative_Code_80-7-1.pdf. Vendors not qualifying for grower's permits (i.e., craftsmen, some baked goods, etc.,) require a curent, local business license.

J. *Insurance*: All vendors must provide a copy of their current vehicle insurance for the vehicle that is being used to sell at the market. It is strongly suggested that each vendor provide a certificate of commercial general liability insurance.

K. *Sales Tax and Permits*: Each vendor is responsible for collecting his/her own sales tax, where applicable, with farmers exempt from sales tax. Value-added product vendors (artisan products, baked goods, etc.) are required to collect sales tax and submit to the City of Tuscaloosa, County, and State. Seafood, meat, and cheese vendors are required to have and display a current commercial license and must be inspected by the Tuscaloosa County Health Department. Vendors not following the Health Department guidelines will not be permitted to sell at the Market.

L. *Space Assignment:* Stall assignments will be made in advance of the market day. All attempts shall be made to honor the stall assignments that are given, however any stall assignment may be changed without notice at the discretion of the Market Manager at the time of load-in on Saturday morning.

Only vendors in garage door bay stalls and outside will be allowed to sell from their vehicles, all others will be required to park their vehicles off site. If you are not parking inside the market you are required to park your car past the Army Corps of Engineers. This is to allow our customers optimal access.

Vendors are required to abide by all Municipal Codes regarding fire code and public safety. ADA walkway requirements will be enforced. Vehicles parked on the River Side of the building may NOT pull past the yellow hash marks on the Riverwalk to ensure that a 5ft. ADA walkway is passable.

Vendors will be licensed to sell from only one vehicle and must occupy only the space or spaces as assigned by the Market Manager. Displays must be confined to the assigned space. If the vendor is using a trailer to display and sell goods, the towing vehicle may have to be disconnected and moved out of the area. If a vehicle or display is obstructing pedestrian traffic or access to a fire code lit exit, or judged to be a safety hazard, it must be moved.

In the event that temperatures are at or below 40F degrees, the market manager may require special parking provisions. On these occassions, every effort will be made to allow all vendors that have properly reserved space in advance to sell, will be able to do so from inside the building. All regular stall assignments are subject to change during these occassions. Trucks on the Riverside will be parked outside of the building. Trucks on the JWP Street Side of the building will pull through the garage door, unload and park outside of the building in a way that will allow the garage doors to remain closed.

Access to electrical outlets for vendors located inside the River Market will be limited to ONE outlet receptacle per vendor as outlets are available. Access to electricity is not promised or guaranteed for any vendor. Center space vendors will not have access to electricity.

Vendors will be solely responsible at all times for the cleanliness within their vending area regardless of the origin of the debris in that location. **Each vendor is required to leave the space clean at the end of the day.** Vendors must pick up all loose produce and sweep, if necessary, their space before they check out. The Market Manager has the discretion to assess a $10.00 fee to any vendor leaving their market area in an unacceptable condition.

a. *Space:* There are three types of spaces in the Market. 1. Garage door bay spaces allow vendors to pull their vehicle inside the market and vend from it. These spaces are allowed to have (1) 8 ft. table or a three-tier product display from the River Market inventory. Any additional tables used in these spaces must be brought by the vendor and must fit in an 8 x 8 space. 2. Center spaces are located in the middle of the Market building. Center space vendors are allowed to use (1) 6 ft. table or a product display and are to set up facing the River or Jack Warner Parkway. 3. Outside Vendors space includes an area to fit a 10x10 tent. Outside vendors can use (1) River Market 8 ft. table or product display. Please be advised that the River Market will provide vendors with either a table or a product display as supply allows. *Vendors that plan on being outside should supply their own 10x10 Pop-up Tent.* However, each vendor is responsible for setting-up and putting away the equipment (tables, chairs, carts, etc.) that they use, as well as returning the used equipment to market staff in the condition in which it was lent out.
b. *Miscellaneous*: Additional services/conveniences, such as bringing an additional table or outside vendors setting-up two tents, may be allowed, but only with the approval of the Market Manager.

M. *Display Requirements:* All items must be visible and easy to reach. The price must be clearly marked for all items. It is recommended that all displays and food items be raised at least 24 inches from the ground. Each vendor must bring a table covering and should consider other items to assist in merchandising their products. Vendors are responsible for providing their own bags for customer purchases, as well as making change.

N. *Food Safety and Sampling:* All sampling procedures set forth in the Alabama Department of Agriculture and Industries, Farmers Market Authority Administrative Code, Chapter 80-7-105(d) must be met. It is the responsibility of each vendor to abide by all state and federal regulations which govern the production, harvest, preparation, preservation, labeling, or safety of products offered for sale at the Market. All vendors, regardless of product, must meet the health requirements that prevent foodborne illnesses. No cooking is permitted within the Market area without prior approval of the Market Manager.

O. *Set-Up and Clean up:* The Market Manager will open the Market. At the beginning of each market day, vendors will check in with the Market Manager before setting up and are then responsible for setting up in their assigned space. Vendors assigned to garage door bay spots should arrive between 5:45 am and 6:15 am. Center bay vendors should arrive between 6:30 a.m. and 6:45 a.m. Vendors must be set up and ready to sell upon the opening of the Market at 7:00 am. If the Vendor is not present by set arrival time, the assigned stall may be given to another Vendor. No product may be sold, distributed or bagged by patron until opening time at 7 am. Violations of this policy may result in loss of assigned stall on the day of the violation at the Market Manager's discretion.

Vendors should begin packing up at 11:45 am and be packed up by 12:15 pm.

Due to hazardous fumes and safety precautions, all vendors and their vehicles will be required to remain until closing of the Market at 12 pm even if they have sold all their goods. Any exception to this policy must be approved in advance by the Market Manager. Trucks should be out of the building by 12:30 pm.

P. *Parking:* The Market Manager has the right to reserve spaces. Vendors may park in unreserved, designated spaces further west of the Army Corps of Engineers reserved parking spaces. All vehicles must be moved away from the loading zones prior to 7:00 am.

Q. *Vendor Services:* Massage, gift wrapping, visiting chefs, music, etc. are allowed and assigned space upon approval of the market manager.

R. *Cancellation:* The Market Manager reserves the right to close the market with or without notice due to impending weather conditions, low volume vendor attendance, or other necessary reasons up to 4 times annually. Closures will be made known through the market's messaging system, social media,

and in advance as time permits. To find out if the Market has been canceled, please email rivermarket@tuscaloosa.com or visit the Market Facebook page. If the Market has been canceled any market fees paid in advance will be applied to a later date.

S. *Miscellaneous:*
- *Use or possession of firearms, alcohol, gambling, and/or illegal drugs will not be allowed on premises.*
- *Tobacco products and smoking at the River Market is prohibited. The Tuscaloosa River Market is a non-smoking municipality facility pursuant to Sec. 13-93 (a) (4) Chapter 13 Article VI of the Tuscaloosa City Code.*
- *The sale of live animals is not allowed at the Market;*
- *Wine is prohibited for distribution and/or retailing at all Farmers Markets in the State of Alabama;*
- *Alcohol, i.e., beer, whiskey, etc., is prohibited for sale at Farmers Markets in the State of Alabama;*
- *All profane, abusive, discourteous, and boisterous language and/or conduct at/or about the Market is prohibited; and refer to the Market guidelines for other Market violations.*
- The use of radios and television sets are not permitted on Market premises without the permission and at the direction of the Market Manager.
- The Market Manager and/or her designee will have the full power to enforce all rules and regulations within the market area. Failure by any vendor to comply with any of these rules and regulations can result in the forfeiture of the right to do business of any kind in the market for a length of time determined by the the Market Manager and if need be, escorted by legal authority off premises.

PERMITS AND FEES

Any fees collected by the market are for the express purpose of promoting and operating the Farmers Market. A schedule of all applicable fees is listed below. If a vendor has any questions concerning the collection and payment of taxes or business license information, vendors may contact the City of Tuscaloosa Revenue Department at (205) 248-5200.

Pricing: All vendors will pay a $50 annual membership fee to the City of Tuscaloosa. All vendors will pay a price of $10 per spot per day when setting up to sell at the Market.

Payment: Daily Fees should be paid in advance with a credit card via Market Wurks. Annual Fees should also be paid via credit card through Market Wurks.

All fees must be paid in advance of the market in order to confirm your spot at the market.

REQUIRED DOCUMENTS AND FEE SCHEDULE

PRODUCTS SOLD	Annual Market App-lication	Annual Farmers Market Fee Payable to the City of Tuscaloosa	Per Market Fee	Growers Permit ACES	Copy of Vehicle Liability Insurance	Tuscaloosa Business License (Renew Annually by Feb. 15)	Tuscaloosa County & State of Alabama Transient Vendor Lisence Required (Renew Annually October 1)	FOOD SAFETY DOCS – Ala. Dept. Public Health
Fresh Produce Only	YES	$50	$10	YES	YES	NO	NO	NO
Fresh Produce & Farm Raised Value Added Products	YES	$50	$10	YES	YES	NO	NO	ASK Market Manager – Exemptions Apply
Value Added & Artisan	YES	$50	$10	NO	YES	YES: $TBD from City of Tuscaloosa Revenue Dept. PS Sched. D 453998	YES: $TBD Determined by Tuscaloosa County License Commission	ASK Market Manager – Exemptions Apply
Prepared Food & Food Trucks	YES	$50	$10	NO	YES	YES: $TBD Determined by City of Tuscaloosa Revenue Dept.	YES: $TBD Determined by Tuscaloosa County License Commission	YES – ADPH Food Permit REQUIRED

WEEKLY ATTENDANCE – RSVP SYSTEM

Email will be the primary form of communication with vendors regarding attendance. Vendors should select all planned dates of attendance at the time of application in Market Wurks. Vendors will confirm their attendance each week by paying the $10 fee invoice by 9:00 am on Wednesday mornings. Vendors can make changes to their date selections in the MarketWurks App by choosing "My Profile" and editing the dates then hitting submit. If attendance plans change, it is the vendor's responsibility to contact the market to indicate that they won't be in attendance. They must notify the Market Manager at least 3 days prior to market day by emailing rivermarket@tuscaloosa.com or calling the River Market office at 205-248-5295 to change attendance. Should a vendor originally indicate that they will attend but have a change of plans after 5 pm on Friday or trouble on Saturday morning, they must notify the market of the change by TEXTING 205-765-3385 (this is the cell phone used on Saturdays only) to notify the Market Manager if the vendor will not be in attendance. Failing to notify the market of non-attendance may result in still being charged the $10 weekly stall fee and possible loss of spot. No Show/No Calls will also be assessed a $25 fee on top of being charged the weekly $10 fee.

FARM VISITS

The Market Manager, Market Advisory Committee or their representative(s) or the Alabama Farmers Market Authority reserves the right to inspect any producer's farm to ensure compliance with market rules and regulations. The primary purpose of a farm or vendor business inspection will be to determine whether the producer is in fact producing all that they are selling at the market. Upon notification, producer must make all production areas available within three (3) days. Refusal to allow inspection is grounds for indefinite suspension. A decision regarding the inspection must be rendered six (6) days from completion of inspection, to be delivered in writing. Any producer found to be in violation of this rule will be immediately expelled from the Market without refund of any fees. The Market Manager, Market Advisory Committee or their representative(s) likewise reserve the right to inspect any vendor's home, shop or other venue where the vendor makes items or products, including crafts, to sell at the Market. The primary purpose of such inspections will be to determine whether the vendor is in fact producing all that they are selling at the market rather than engaging in the resale of items purchased by the vendor. The notification inspection and decision processes as applied to farm inspections shall likewise apply to any vendor inspection.

NON-VENDOR INFORMATION TABLE

As a service to the citizens of Tuscaloosa, the Farmers Market will allow one non-vendor organization to host an information table at each Farmers Market. Reservations for this table are available to an organization for ONE Saturday per calendar year (space permitting). Advance reservation and permission to participate is required. Email rivermarket@tuscaloosa.com to request a date. Permission will or will not be granted in writing via email from the Market Manager. Organization representatives should arrive at 6:45 am and report to the Market Manager on their reserved date and agree to provide representatives at the table until 12 noon.

The Market Manager has the authority to decide which organizations are approved to participate. The purpose of this table will solely be to distribute information about the organization to the public. Representatives may engage with and educate the public on the services provided by the organization. Organizations are encouraged to provide a hands-on activity for citizens to engage with (example, children's art project related to the organization or farmers market or a game).

Solicitation for political campaigns, products, services, or charitable contributions not specifically addressed as a Market commodity is not permitted. Violations should be reported to the Market Manager. Solicitors will be asked to leave the Market immediately.

GRIEVANCE POLICY

The Market Manager has the right to impose disciplinary action at the Market site. Any grievance regarding vendors should not be directed to the vendor in question. The initial grievance should be reported to the Market

Manager, who will bring it to the attention of the Tuscaloosa River Market Operations Manager and the Market Advisory Committee. The Tuscaloosa River Market Supervisor and the Market Advisory Committee will determine if a special meeting needs to be called to settle the grievance.

In the event of patron dissatisfaction, the dispute must be resolved to the satisfaction of the patron and Market Manager in a timely manner. Failure to do so will result in the vendor's removal from the Market.

The Market Manager has the authority to grant exceptions to the market policies on an individual basis for reasons of dire need and will have the full power to enforce all rules and regulations within the Market area. Fraudulent, dishonest, or deceptive merchandising, disruptive behavior, or collusion to set prices among vendors may be grounds for forfeiture of the right to do business of any kind in the Market. Failure by any vendor to comply with any of these rules and regulations can result in the forfeiture of the right to do business of any kind in the market for a length of time determined by the Market Manager or the Tuscaloosa River Market Operations Manager. Should any vendor, at any time, occupy the premises in a manner contrary to this agreement, upon request of Market Manager, the vendor shall immediately cease such offending conduct. Failure to immediately comply as requested shall be cause for the expulsion from the market. Upon expulsion the vendor shall promptly vacate premises. Upon failure to vacate, the Market Manager may have removed all property of vendor from the premises at vendor's expense. The Market Manager, River Market and City of Tuscaloosa is relieved and discharged from any all / loss or damage caused by such removal. The Market shall not be responsible for storage or safekeeping of property so removed.

Vendor Concern Form

CITY OF TUSCALOOSA Farmers Market	**Vendor Concern Form**	**1900 Jack Warner Parkway** **Tuscaloosa, AL 35401** **205-248-5295** **www.TuscaloosaRiverMarket.com** **rivermarket@tuscaloosa.com**

Vendors who have concerns about market operations, vendor policies, or other vendors' compliance with market rules should submit this Concern Form. Market Management will not reveal the inquiring vendor's name to anyone. ***Please submit this form directly to market management on the market day or within a week of the market during which the alleged violation occurred.***

Date _____

Vendor Business Name _____

Your Name _____

Contact Information (phone number, email or mailing address)

_____

_____

Your Concern. Please use the Market Rules and Regulations to reference the rule number or policy with which you have a concern. If this is a complaint regarding a Vendor, specify Vendor's name.

_____

_____

Market date and approximate time at which the violation occurred (if any):

_____

_____

Please state the specifics of the violation of the rule. Provide any evidence that supports your concern.

_____

_____

_____

_____

_____ _____

Signed *Date*

For Market Use Only:

Date Rec'd _____

By _____

Notes:

ALABAMA DEPARTMENT OF AGRICULTURE AND INDUSTRIES
FARMERS MARKET AUTHORITY
ADMINISTRATIVE CODE

CHAPTER 80-7-1
RULES FOR CERTIFICATION OF STATE FARMERS MARKETS

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80-7-1-.01 Purpose.

(1) The Alabama Farmers Market Authority serves to promote the sale of Alabama-grown farm products by giving local farmers the chance to sell food they raise directly to consumers and allowing consumers to buy fresh food from the farmers who raise it. The Alabama Department of Agriculture and Industries', Farmers Market Authority accomplishes this purpose by providing local farmers markets the opportunity to become Certified State Farmers Markets, thus giving consumers confidence that they are buying only fresh, locally raised produce.

(2) The "Alabama Certified Farmers Market Program" is created to promote and identify a market place for Alabama grown fruits, vegetables, plants, and other products made and/or processed in Alabama.

(3) The primary objectives of an "Alabama Certified Farmers Market" is to offer a diverse product selection, attract

a large and repeating customer base, and afford farmers a profitable location to sell produce and other goods.

(4) Factors that define the term "Farmers Market" and distinguish farmers markets from road-side stands, grocery stores and from other types of food marketing outlets, include: farmers selling produce and food items they grow and produce to individual customers at a temporary or permanent location, often located on public property, such as a common public area or parking lot on a periodic basis, typically once or twice a week for a set period of time, usually 3 or 4 hours. This happens during the local growing season, usually 5 or 6 months.

(5) Depending on the farmers markets, a wide variety of products are available. Poultry, pork, fish, shellfish, lamb, beef, eggs, milk, cream, butter, cheese, honey, syrup, jams, jellies, sauces, mushrooms, flowers, breads, and pastries are some examples of vendor produced products sold at farmers markets in addition to fruits and vegetables.

Authors: Don Wambles, Patrick B. Moody

Statutory Authority: Code of Ala. 1975, §§2-5A-1 et. seq.

History: New Rule: Filed February 12, 2014; effective March 19, 2014.

80-7-1-.02 Definitions.

(1) As used in this Chapter, the following words shall have the meaning stated below:

(a) Agricultural Production and Practice of the Agricultural Arts -- To be involved in and make decisions regarding all phases of producing an agricultural product, which includes, but is not limited to, planting, growing, fertilizing, irrigating, cultivating, pest control, and harvesting.

(b) Alcoholic Beverages – AL code §28-3-1 Any alcoholic, spirituous, vinous, fermented or other alcoholic beverage, or combination of liquors and mixed liquor, a part of which is spirituous, vinous, fermented or otherwise alcoholic, and all drinks or drinkable liquids, preparations or mixtures intended for beverage purposes, which contain one-half of one percent or more of alcohol by volume, and shall include liquor, beer and wine.

(c) Authority – "Authority" refers to the "Farmers Market Authority" as provided in Alabama Code § 2-5A-1, et seq.

(d) Certified Farmers Market – A market certified by the Authority where agricultural products are sold by producers directly to consumers. The Authority shall issue a certificate to all farmers markets that apply for a certificate, and meet the criteria set forth by the Authority. A Certified Farmers Market may be operated by two or more producers, by a nonprofit organization, by a local government entity or other organization/entity approved by the Authority.

(e) Certified Agricultural Products -- Agricultural products, which are certified under the jurisdiction of the Authority relative to inspection and verification of compliance with the provisions of this Chapter, include fresh fruits, nuts, vegetables, shell eggs, honey, flowers, nursery stock, livestock products, fish and shellfish produced under controlled conditions in waters or ponds located in Alabama.

(f) Certified Farmers Market Certificate – A certificate issued by the Authority verifying the market sells only agricultural products produced by local farmers directly to consumers. The certificate is valid only when bearing the original signatures of the Authority and the authorized representative of the Certified Farmers Market.

(g) Commissioner – The person elected as the head of the Department of Agriculture and Industries.

(h) Consumer -- A person who purchases and receives agricultural products at a Certified Farmers Market.

(i) Director – A person appointed by the Commissioner who, under supervision of the Commissioner, serves as director of the Farmers Market Authority and administers this Chapter.

(j) Employee -- Any person employed by a farmer at a regular salary or wage, on either a full or part time basis. It does not include any person who is reselling or whose compensation is primarily based on a commission of sales. Notwithstanding the above, an employee of an agricultural cooperative organized under the laws of Alabama may sell the agricultural products of one of its members in accordance with the provisions of this Chapter.

(k) Enforcement Officer – An agent of the Department of Agriculture and Industries authorized to investigate the entities certified under these rules and regulations in order to ensure compliance with these rules and regulations.

(l) Grower representative – The immediate family member or employee of a farmer.

(m) Immediate Family -- Parents, children, grandparents, or grandchildren of the farmer or a family member regularly residing in the farmer's household.

(n) Land Which the Farmer Controls -- Land that the farmer farms and owns, rents, leases, or sharecrops, and is registered with the Authority and the Alabama Cooperative Extension System or the USDA Farm Service Agency.

(o) Locally grown – Agricultural products grown within the borders of Alabama or within twenty-five (25) miles of the Alabama state border.

(p) Market Manager -- A person or persons registered with the Authority empowered to implement the rules, regulations, policies, and directives of the governing body of a Certified Farmers Market.

(q) Market Rules -- A set of written rules or regulations approved by each Certified Farmers Market and the Authority. The rules and regulations may be more stringent than established state regulations, provided they do not violate or conflict with any state law or regulation governing their activities.

(r) Non-certifiable Agricultural Products - Non-certifiable agricultural products include all certified agricultural products that have been processed.

(s) Nonprofit Organization -- An organization which qualifies for nonprofit status for Alabama income tax purposes.

(t) Relish -- a cooked, uncooked or pickled sauce usually made with vegetables or fruits and often used as a condiment; can be smooth or chunky, sweet or savory and hot or mild, and must have an acidity level less than 4.6pH.

Authors: Don Wambles, Patrick B. Moody

Statutory Authority: Code of Ala. 1975, §§2-5A-1 et. seq.

History: New Rule: Filed February 12, 2014; effective March 19, 2014. **Amended:** Filed May 17, 2016; effective July 1, 2016.

80-7-1-.03 Certification Requirements Of A Certified Farmers Market.

(a) A person or entity may apply to be a Certified Farmers Market by completing a Certified Farmers Market Application and submitting it to the Authority. The application shall be on a form authorized by the Director.

(b) Application to become a Certified Farmers Market shall be made by the proposed operator(s) of a Certified Farmers Market and shall include a signed agreement by the operator(s) to comply with the terms of the Authority's Rules and Regulations.

(c) Upon receipt and approval of the Certified Farmers Market Application, the Authority shall issue a Certified Farmers Market Certificate. The certificate shall identify where the market is located and indicate that the marketplace is a Certified Farmers Market where agricultural products may be sold or offered for sale.

(d) The governing body of a Certified Farmers Market shall promulgate a set of market rules and regulations which specify procedural criteria pertaining to the following:

1. Establish the identity of the persons or entities that govern the market and the philosophy and purpose of the market.

2. Establish the identity and duties of the Market Manager.

3. Establish rules for participating in the market.

4. Establish who may participate in the market and what may be sold at the market. The number of non-food vendors may not exceed 30% of the total vendors. Arts and crafts are not permitted for sale at the market unless they have received prior approval by the Market Steering Committee/Board. Items purchased for resale, as well as items made from kits, commercially

available plans and items that are mechanically mass-produced may not be sold at the market.

5. Establish the process for selecting vendors and establishing fees. Establish market space allocation procedures including priorities, preferences, and stall fees.

6. Identify all documents and licenses required to participate including: proof of insurance, grower's permits/certificates and/or business licenses. Attach a copy of all documents to the final version of your market's rules.

7. Establish detailed guidelines on issues such as market location, day(s) and hours of operation set-up, clean-up, selling times, notification for non-attendance, pets, samples, sanitation, signage, smoking, food safety and food handling.

8. Establish procedures for rule enforcement, including reporting violations, notice, penalties, suspension or removal and appeals.

9. Incorporate applicable State and Local requirements into your market's rules, with agreement that it is vendor's responsibility to comply.

10. The sale of live animals is not allowed at the market.

11. Wine is prohibited for distribution and/or retailing at farmers markets in the State of Alabama. Alcohol, i.e. beer, whisky, etc., is prohibited for sale at farmers markets.

12. Establish the method by which the vendor agrees to indemnify and hold harmless the market organizer from any liability arising from the vendor's participation in the market.

13. Establish rules for handling and storing different types of foods with guidelines for sampling if allowed. It is the responsibility of each vendor to abide by all state and federal regulations which govern the production, harvest, preparation, preservation, labeling, or safety of products offered for sale at the market. All vendors regardless of product must meet the health requirements that prevent food borne illnesses. No cooking is permitted within the market area without prior approval.

(f) The Certified Farmers Market's rules and regulations shall contain a clause, which states that the governing body and its designated agents shall implement and enforce all rules and regulations pertaining to the operation of the Certified Farmers Market in a fair and equitable manner.

(g) A copy of the Certified Farmers Market rules and regulations and any updates shall be sent to the Authority. The Authority's copy shall govern the Certified Farmers Market.

(h) In order to be recognized by the Authority as a Certified Farmers Market the criteria and/or rules as set out in Chapter 80-7-1-.04 must be met. (This does not prohibit a market from imposing more stringent requirements on its sellers.)
Authors: Don Wambles, Patrick B. Moody
Statutory Authority: Code of Ala. 1975, §2-5A-8
History: New Rule: Filed February 12, 2014; effective March 19, 2014.

80-7-1-.04 Criteria And Rules For A Certified Farmers Market.

(1) General Criteria for an Alabama Certified Farmers Market

(a) "Alabama Certified Farmers Market" means a place, structure or building that is used by two or more Alabama Farmers for the direct sale of their own on-farm produce and/or food products to consumers, and where sales of these farm products represent the core business of the market.

1. A grower/producer is a person(s) that grows or produces agricultural products. At least 80% of the agricultural product grown and offered for sale must be produced by the grower/producer or under the grower/producer's direction. The grower must verify in writing with the market manager and the Farmers Market Authority the name, location and contact information from whom the other 20% of locally grown products brought to market originate if this is permissible and clearly defined in the market's rules.

2. A grower or grower representative must be present during market hours when his/her products are offered for purchase.

(b) The market may be operated by an association, non-profit organization, government entity (state, county, municipal, tribal, etc.) or other organization/entity approved by the Authority.

(c) Markets can allow the sale of non-food products (arts and crafts) and other value-added products (soaps, lotions, etc.) at the market's discretion as long as the number of non-food vendors does not exceed 30% of the total vendors.

1. All products that may be potentially hazardous must be permitted by the appropriate agency or in compliance with all city, county, state and federal laws and regulations.

(d) The market must be organized pursuant to Code of Ala. 1975, Sections 2-5A-1 et seq. and comply with Chapter 80-7-1 of the Alabama Department of Agriculture and Industries Administrative Code.

(2) Rules Requirement for Farmers Markets

(a) Certified Farmers Markets shall have a clear and organized set of rules that are enforced by a manager, who answers to either a board or steering committee. Market rules should be simple and easy to understand. Certified Farmers Markets shall adopt the minimum rules as set forth in Appendix A.

(b) Market rules should contain the following:

1. A description of the market governance and market manager responsibilities;

2. Rules for general operations such as hours/days of market, parking policies, and health and safety policies;

3. Rules enforcement procedures, including penalties for failure to comply and a grievance procedure;

4. Policies for who can sell at the market and how the market will approve vendors;

5. Guidelines for what products can be sold, the use of equipment, the presentation of displays, and the use of scales;

6. Vendor fees and space assignment policies;

7. How the market will ensure and enforce compliance;

8. Rules that are unique to the market such as a waiting list policy or special events;

9. The market management/governance may conduct farm visits;

10. Standards of vendor behavior;

11. All contact information;

(c) All eligible producers must have a growers permit.

(d) In addition to the above, a Certified Farmers Market's rules must, at a minimum, adhere to the following guidelines as set out in (3) – (10) of this chapter.

(3) Home Processed

(a) Home Processed products are subject to sales tax. See Code of Ala. 1975, §40-23-4(a)(5) and §40-23-62(8).

(b) Home processed products must satisfy all public health, labeling, permitting and other requirements pertaining to processed products. Chapter 420-3-22-.01 of the Rules of Food Establishment Sanitation now excludes a kitchen in a private home from the definition of food establishment if only food that is non potentially hazardous (time or temperature control required for safety) is prepared for sale or service at a function such as a charitable, religious, civic, or not-for-profit organization's food sale, or at state sanctioned Farmers Markets, and if the consumer is informed by a clearly visible label, tag, or placard at the sales or service location that the food is prepared in a kitchen that is not inspected by a regulatory agency, i.e. County or State Health Department.

(c) Label, Tag or Placard must conform to the size and form of the label below, and be placed at the top of the product that is to be sold.

This item(s) was prepared in a kitchen that is NOT inspected by a regulatory agency.

(d) This effectively excludes farmers markets from regulatory requirements of the ADPH regarding non-potentially hazardous home processed foods. Certain home processed foods for example baked breads, rolls, cookies, cakes, brownies, fudge, double-crust fruit pies, traditional fruit jams, jellies, marmalades and relishes, candy, spices or herbs, snack items such as popcorn, caramel corn and peanut brittle, may be sold at farmers markets with appropriate labeling. The label of a food in packaged form shall specify conspicuously the name and place of business of the manufacturer, packer, or distributor.

(e) The acidity of foods is measured by pH. The range of pH is commonly considered to extend from zero to 14. A pH value of 7 is neutral, because pure water has a pH value of exactly 7. Values less than 7 are considered acidic, while those greater than 7 are considered basic or alkaline. Acidic foods are usually tart and sour, all fruits are acidic: tomato, lemon, peach, apple, etc. The FDA rule for acid foods states that a food must have a pH below 4.6 to be sold as a minimally processed food. The reason for this is bacteria do not grow at this level of acidity.

(f) This exclusion shall not be construed as allowing the sale of low acid foods (pH >4.6) in hermetically sealed containers (i.e. such as home-canned green beans, peas, tomato relish, salsa, etc.) when such food is not prepared in a permitted establishment. The finish product will need to be tested, if the ph level is unknown.

(g) Food Product Testing Requirements:

1. A small sample (at least 1 cup) of the product is required. The cost is approximately $40.00 per sample. Checks may be made payable to: Alabama Cooperative Extension System or ACES. The sample should be carefully and safely packaged and mailed/sent to:

Regional Extension Agent
Alabama Cooperative Extension
221 Poultry Science Building
260 Lem Morrison Dr.
Auburn University, AL 36849
Alabama Cooperative Extension System
Food Product Testing Services

2. The product must include the following information: Contact Person, Mailing Address, City/State/Zip, Phone/Fax, Email, Product Name

(4) Sampling/ Food Safety

(a) All vendors, regardless of product, must meet the health requirements that prevent food borne illnesses. The standard requirements and recommendations for preparation and sampling at the Certified Farmers Market are:

1. Preparation of fruit and vegetable samples requiring cutting or slicing should be done on-site immediately prior to consumption.

2. No home prepared food samples shall be served at the market.

3. Clean knives and cutting boards must be placed in protective plastic containers, food storage bags, wrapped in plastic wrap, etc.

4. Clean equipment must be used to cut product, in-use items must be stored so they are protected from contamination.

5. Replace soiled knives, cutting boards, etc. with clean items every two hours.

6. Use single service items whenever possible.

7. Store soiled items in a closed bag or container to avoid attracting insects.

8. All fruits and vegetables must be rinsed thoroughly in clean water.

9. Products may be rinsed or cleaned prior to bringing them to the market. The items should be stored in disposable food bags.

10. Rinse melons in a 200 parts per million chlorine solution prior to slicing for sampling.

11. Fruit and vegetable sample servings must be protected from contamination at all times.

12. Serving must be done in a manner protecting the sample from any bare hand contact.

13. Utilize disposable gloves, single service utensils, napkins or tissues, or toothpicks are all adequate methods to avoid handling prepared samples.

14. Any ice used for cooling must be continuously and properly drained to avoid wrapped items soaking in melted ice water.

15. Canned items (i.e., jelly, salsa, etc.) may be opened one jar at a time and sampled with clean disposable utensils.

16. Use toothpicks, wax paper, paper sampling cups, or disposable utensils to distribute samples.

17. Temperature control must be maintained on items needing refrigeration after opening.

(b) The County Environmentalist may have specific additional requirements depending on the food to be prepared and served, the general location of the event or food concession area, the availability of city water and sewage, and other local considerations. The Rules of the State Board of Health require that a permit to operate a temporary food booth be obtained prior to any prepared food being sold.

(5) Meat Products

(a) Live animals are prohibited for sale at farmers markets in Alabama.

(b) Only raw meats, including fish and seafood, that are processed, packaged, and labeled at an inspected facility or are otherwise exempted from inspection may be sold at a farmers market. Exempted meats: rabbits, quail and bison.

(c) Beef, pork, poultry and lamb products sold at farmers markets must originate from livestock slaughtered in a government (federal or state) inspected facility.

(d) All meat and poultry products must be wrapped and labeled with the seal of inspection on package. USDA publication "Guidance for Determining Whether a Poultry Slaughter or Processing Operation is Exempt from Inspection

Requirements of the Poultry Products Inspection Act Revision 1, April 2006," provides detailed information on the requirements for the sale of poultry at markets.

(e) Meat products, other than fish and shellfish, must be brought to the market in frozen condition and kept frozen until sold. Selling packaged meat at the Farmers market requires sanitary handling and temperature control. A mechanical unit capable of maintaining the meat and poultry products in the frozen state is recommended to be used. For example, a freezer could be used.

(f) Fish and shellfish products may be sold fresh if maintained at a temperature of 37°F to 41°F.

(g) Meat at farmers markets being sold by resellers will include a "Distributed by/Packed for", or similar, statement on the labels of their meat products. Conversely, meat products being sold at Farmers markets that are prepared and packaged by the selling vendor will not include a "Distributed by/Packed for", or similar, statement.

(6) Wine/Alcohol/Controlled Substances

(a) Alcoholic beverages as defined in Alabama Code Sec. 28-3-1 are prohibited for sales or distribution at farmers markets

(b) Proof of alcoholic content is the responsibility of the vendor

(c) Controlled substances are prohibited for sale at farmers markets.

(7) Insurance

(a) Each Certified Farmers Market shall acquire, and show proof of liability insurance.

(8) Proper Weights and Measurement

(a) All farmers markets must meet the legal measurement guidelines established by the State of Alabama for dry and wet produce. Produce may be sold by weight, measure or count depending on the commodity. Selling by weight or measure involves legally defined weights and measures. A quart is a legal dry quart or legal liquid quart, not necessarily a quart

basket filled past the rim of the basket. A pound is a legal pound, as judged by specially calibrated weights certified by the National Institute of Standards and Technology.

(b) Not all scales are eligible for farmers market usage. Those scales stamped, "Not legal for use in trade" on them, cannot be used to measure product for sell at markets. Examples of scales not to be used are: bathroom, baby, restaurant portion scales, postal, and kitchen utility scales.

(c) When selling by measure, a standard dry pint or dry quart container is actually measured by the cubic inches it contains, not the shape. An accurate measure would be when the container is filled and struck level across the top sides of the container. When purchasing containers, be certain they meet the legal definition of pints, quarts, pecks, etc.

(d) Just as water weight can be lost after harvest, volume can decrease as well. Some settling also can occur in transit. The content must be level to the top of the container at the time of sale. It is recommended seller overfill containers to allow for these factors.

(e) When selling by liquid such as cider, the exact amount in the container has to be measured to achieve the correct cubic inch, fluid amount. When selling bakery products, items must have stated weight on packaging or identified so the consumer may make an informed purchase.

(f) Scales being used in commerce shall be tested at least once each fiscal year based on the fiscal year adopted by the State of Alabama which runs from October 1st through September 30th.

(9) Dairy Products

(a) All dairy products, including cheese, must be processed, packaged, and labeled at a facility permitted and inspected by the Alabama Department of Public Health's Milk and Food Processing Branch. Product must have the proper labeling vendor contact information or have information posted so consumer will know who to contact if necessary.

(b) Sale of raw milk for human consumption is not legal and cannot be sold at markets.

(10) Shell Eggs

(a) Shell eggs are considered farm products and may be sold at farmers markets with proper labeling information on package. Information required is: name and address of egg packer, date eggs were packed, and grade. Carton or egg container and egg product itself must be sanitized and free from fecal matter and other farm filth.

Egg Weights

	Dozen Carton	Dozen Carton	1.5 Dozen Carton	2.5 Dozen Sleeve
Pee Wee	15 oz	.94 lbs	1.41 lbs	2.34 lbs
Small	18 oz	1.13 lbs	1.69 lbs	2.81 lbs
Medium	21 oz	1.31 lbs	1.97 lbs	3.28 lbs
Large	24 oz	1.50 lbs	2.25 lbs	3.75 lbs
Ex-Large	27 oz	1.69 lbs	2.53 lbs	4.22 lbs
Jumbo	30 oz	1.88 lbs	2.81 lbs	4.69 lbs

(b) There are three consumer grades for eggs: U.S. Grade AA, A, and B. The grade is determined by the interior quality of the egg and the appearance and condition of the egg shell. Eggs of any quality grade may differ in weight (size).

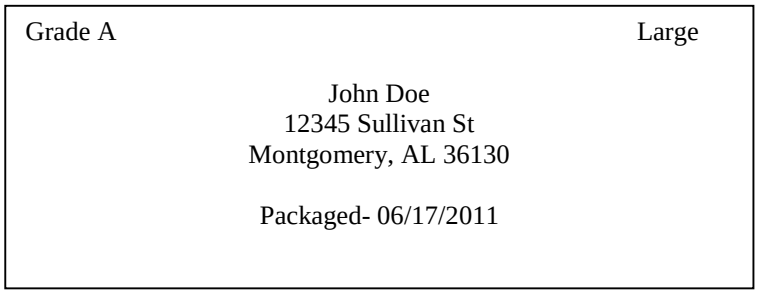
(c) U.S. Grade AA eggs have whites that are thick and firm; yolks that are high, round, and practically free from defects; and clean, unbroken shells. Grade AA and Grade A eggs are best for frying and poaching where appearance is important.



(d) U.S. Grade A eggs have characteristics of Grade AA eggs except that the whites are "reasonably" firm. This is the quality most often sold in stores.

(e) U.S. Grade B eggs have whites that may be thinner and yolks that may be wider and flatter than eggs of higher grades. The shells must be unbroken, but may show slight stains. This quality is seldom found in retail stores because they are usually used to make liquid, frozen, and dried egg products.

(f) Egg Label Example:



Authors: Don Wambles, Patrick B. Moody
Statutory Authority: Code of Ala. 1975, §2-5A-8.
History: New Rule: Filed February 12, 2014; effective March 19, 2014. **Amended:** Filed May 17, 2016; effective July 1, 2016.

80-7-1-.05 Issuance Of Certificates.

(1) The Authority shall issue a Certified Farmers Market certificate upon review of application and determination that the applicant meets the requirements to operate a Certified Farmers Market.

(2) A Certified Farmers Market certificate shall be valid until December31st of the 2nd year in which the certificate is issued.
Authors: Don Wambles, Patrick B. Moody
Statutory Authority: Code of Ala. 1975, §2-5A-8.
History: New Rule: Filed February 12, 2014; effective March 19, 2014.

80-7-1-.06 Compliance Requirements For The Operator Of A Certified Farmers Market.

(1) The operator of a Certified Farmers Market shall ensure that each person participating in the sale of agricultural products in the area designated as a Certified Farmers Market:

(a) Is a Farmer, or grower representative.

(b) Sells only certified agricultural products.

(2) No person shall operate a Certified Farmers Market unless he or she has in his or her possession a current, valid Certified Farmers Market Certificate issued by the Authority.

(3) The operator of a Certified Farmers Market shall, upon the request of an enforcement officer, provide for review his or her current, valid Certified Farmers Market Certificate at any time during the operation of a Certified Farmers Market.
Authors: Don Wambles, Patrick B. Moody
Statutory Authority: Code of Ala. 1975, §2-5A-8.
History: New Rule: Filed February 12, 2014; effective March 19, 2014.

80-7-1-.07 Applicability Of Rules And Regulations Regarding Farmers Market Nutrition Programs. No provision in this Chapter shall be construed to in any way invalidate, supersede, or otherwise impair the applicability of the rules and regulations regarding either the Senior Farmers Market Nutrition Program or the WIC Farmers Market Nutrition Program.
Authors: Don Wambles, Patrick B. Moody
Statutory Authority: Code of Ala. 1975, §2-5A-8.
History: New Rule: Filed February 12, 2014; effective March 19, 2014.

80-7-1-.08 Penalties.

(1) All Farmers and Certified Farmers Markets are required to adhere to the rules and regulations of the Authority. The Commissioner may discipline the following for violating the Authority's rules and regulations:

(a) The Certified Farmers Market; or

(b) A family member, employee, or another Farmer acting on behalf of the Farmer; or

(c) Any other person whose actions may have resulted in the violation.

(2) The Commissioner, upon determination that a Farmer has violated the Authority's rules and regulations may:

(a) Issue a written reprimand; or

(b) Suspend a license up to six months; or

(c) Refuse to allow farmer access to market for a period of up to 18 months.

(3) The Commissioner, upon determination that a Certified Farmers Market has violated the Authority's rules and regulations may:

(a) Issue a written reprimand; or

(b) Suspend a Certified Market Certificate for up to six months; or

(c) Revoke the Certified Market Certificate;

(4) Disciplinary actions shall be initiated by the Director of the Authority upon belief that a violation has occurred. All persons or entities certified under these rules may appeal any disciplinary action initiated by the Director.
Authors: Don Wambles, Patrick B. Moody
Statutory Authority: Code of Ala. 1975, §2-5A-8.
History: New Rule: Filed February 12, 2014; effective March 19, 2014.

80-7-1-.09 Appeals.

(1) Any person may appeal to the Commissioner for a hearing to challenge any of the following actions:

(a) Denial of any certificate.

(b) Revocation of any certificate.

(c) Suspension of participation privileges.

In all cases, the appeal must be submitted to the Director in writing within 30 days of the date the action or decision was made.
Authors: Don Wambles, Patrick B. Moody
Statutory Authority: Code of Ala. 1975, §2-5A-8.
History: New Rule: Filed February 12, 2014; effective March 19, 2014.

810-6-3-.01. Exemptions for Agricultural Products Sold by the Producer.

(1) There are two exemptions in the sales and use tax statutes relative to agricultural products sold by the producer - one is found in Sections 40-23-4(a)(5) and 40-23-62(8), Code of Alabama 1975, and the other in Section 40-23-4(a)(44). A sale of agricultural products that does not qualify for one of these exemptions may still qualify for the other.

(2) Sections 40-23-4(a)(5) and 40-23-62(8) exempt sales of products of the farm, dairy, grove, or garden from sales and use tax when the products (i) are sold by the producer, by members of the producer's immediate family, or by persons employed by the producer to assist in the production of the products and (ii) have not been processed, except to the extent that the products are customarily processed by operators of farms, dairies, groves or gardens in preparing products for market.

(a) This exemption does not apply to agricultural products sold by the producer through a store which the producer operates. (Curry v. Reeves, 240 Ala. 14, 195 So. 428)

(b) Unlike the exemption outlined in paragraph (3) below, this exemption is not limited to products that are planted, cultivated, and harvested by the producer. Examples of products that may qualify for this exemption but not the exemption in paragraph (3) include but are not limited to milk, eggs, catfish, minnows, bees, honey, rabbits, and hamsters produced on farms.

(3) Section 40-23-4(a)44 exempts fruit or other agricultural products from sales and use tax when sold by the person or corporation that planted, cultivated, and harvested the products. Unlike the exemption outlined in paragraph (2) above, this exemption is not lost to the producer who sells qualifying agricultural products through a store operated by the producer.

(4) Sales of agricultural products which otherwise qualify for one or both of the exemptions outlined in paragraphs (2) and (3) above do not lose their exempt status if the products retain their raw, unprocessed form when prepared by the producer for marketing or merchandising. An agricultural product is no longer in its raw, unprocessed form if it is cooked, boiled, roasted, or mixed or compounded with ingredients other than additional exempt agricultural products.

(a) Examples of prepared agricultural products which do not lose their exempt status when they otherwise qualify for either or both of the exemptions outlined in paragraphs (2) and (3) are:

1. raw pecans when cracked or shelled
2. raw shelled peanuts
3. raw shelled peas, beans, or butterbeans
4. raw shucked corn
5. raw washed fruits or vegetables.

(Continued)

810-6-3-.01. (Continued)

(b) Examples of processed agricultural products which do not qualify for the exemptions outlined in paragraphs (2) and (3) above are:

1. apple cider
2. boiled or roasted peanuts
3. candy
4. cane or sorghum syrup
5. fruit pies
6. ice cream
7. jellies and jams
8. peanut butter
9. pickled peaches
10. pickles
11. roasted pecans.

(Readopted through APA effective October 1, 1982, amended May 22, 1993, amended July 30, 1998)

STATE COMPLIANCE GUIDELINES for FARMERS MARKETS

DAIRY
All dairy products, including cheese, must be processed, packaged, and labeled at a facility permitted and inspected by the Alabama Department of Public Health's Milk and Food Processing Branch.

The sale of raw milk for human consumption is not legal and cannot be sold at markets.

MEAT
Live animals are prohibited for sale at farmers markets in Alabama.

Beef, pork, and lamb products sold at farmers markets must originate from livestock slaughtered in a government (federal or state) inspected facility. All meat products must be frozen at the time of sale, wrapped, and labeled with the seal of inspection on the package.

USDA provides an exemption for poultry slaughter. Up to 1,000 birds per year may be processed at a facility not inspected by federal/state inspectors. All poultry must be frozen at the time of sale and must be whole birds. You cannot cut the chicken and sell parts.

SHELL EGGS
Shell eggs are considered farm products and may be sold at farmers markets with proper labeling information on the package. Information required is the name and address of the egg packer, the date eggs were packed, and grade. The carton or egg container and egg product itself must be sanitized and free from fecal matter and other farm filth. Must be kept in a cold environment in a cooler or other device, 41 degrees or cooler.

HOME PROCESSED FOODS:
Code of Ala. 1975, §40-23-4(a)(5) and §40-23-62(8)-
This effectively excludes farmers markets from regulatory requirements of the ADPH regarding non-potentially hazardous home processed foods. Certain home-processed foods may be sold at farmers markets with appropriate labeling. All home-processed relishes, salsas, etc must have a pH test performed by a certified food testing lab before the product can be sold at the farmers market.

WILD HARVESTED MUSHROOMS
Wild-harvested mushrooms may only be sold at Farmers Markets by wild-harvested mushroom identification vendors: Harvesters must have attended/completed a Bona fide training course approved by the Alabama Department of Public Health. A vendor selling wild harvested mushrooms at a State Sanctioned or Certified Farmers Market shall disclose to the consumer by a tabletop display, placard, or notation on each package the following statement: "Wild harvested mushrooms are not an inspected product and are harvested from a non-inspected site

FREEZE-DRIED PRODUCTS

1) Freeze-drying food does not kill bacteria. Freeze-drying is not a food safety process so bacteria and other microorganisms can stay viable and dormant even after being freeze-dried.

2) ***All Freeze-dried products must have a water activity test to be sold at farmers markets.***

3) ADAI, Food Lab can perform pH and/or water activity tests for your vendors.

4) The product must be labeled. You must say on the label that:
"This product has been reformed by freeze-dried processes in a non-inspected kitchen" or,
"This product has been reformed by freeze-dried processes in an inspected kitchen".

Also, the **Fair Packaging and Labeling Act** is a U.S. law that applies to labels on many consumer products. It requires the label to state:

- The identity of the product;
- The name and place of business of the manufacturer, packer, or distributor; and
- The net quantity of contents.

HEMP AND CBD PRODUCTS

Controlling Authority

1) From Seed to Harvest- USDA/ADAI
2) From Processing to Consumer- FDA

- Hemp seed oil (cold pressed) Hemp seed protein powder and hulled hemp seed are recognized as a safe standard.
- CBD Oil appears to be legal for sale (If derived from industrial hemp-Less than 0.3 THC.)
- Lotions and salves made from CBD-derived hemp seed are allowable for selling at Farmers markets.

*****You CANNOT make any claims that CBD products will do anything!!!**

*****All other products including infused impregnated, etc. are not legal**

VANILLA EXTRACT – Must be non-alcoholic.
½ of 1 percent or 0.5% alcohol by volume is considered non-alcoholic

TINCTURES -- Items with health or medicinal claims are regulated by FDA

The FDA considers herbal supplements as foods, not medicines. So they are not subject to the same testing, manufacturing, and labeling standards and regulations as medicines. You can now see labels that explain how herbs can influence different actions in the body.

In the United States, herbal products (like extracts, capsules, and teas) are regulated by the Food and Drug Administration (FDA) under the category of Dietary Supplements. Because of this, herbal products producers, large and small, must follow FDA's Good Manufacturing Practices (GMPs).

DOG TREATS –Pet Food

- The vendor needs a commercial feed license.
- If the product is sold in a package of 10 lbs or less, a $50 per product registration fee is required.
- Product labels need the ingredients and the guaranteed analysis. (minimum % protein, minimum % fat, max % fiber).
- If your products haven't already been tested, this is a company we refer people to for testing:
  Midwest Laboratories in Omaha, Nebraska
  midwestlabs.com
  402-334-7770

FARM RAISED FISH (catfish, tilapia etc) — currently cannot be sold at the farmers market

ALABAMA DEPARTMENT OF AGRICULTURE & INDUSTRIES

1445 Federal Drive ● Montgomery, Alabama 36107-1123

Rick Pate

Commissioner

pH Test for Home-Processed products sold at Farmers Markets

Do not write in shaded area

Water Activity

		Sample 1: Provide information in this column
Sample Date (when made) Month/ Day/ Year		
Laboratory		**AL Dept of Ag & Ind, Food & Drug Lab**
Product Name		
Net Weight		
Country of Origin		**USA**
Producer Name		
Address		
City		
State		
Zip		
Email		
Phone		

Sample 2: Provide information in this column

Sample Date (when made) Month/ Day/ Year		
Laboratory		**AL Dept of Ag & Ind, Food & Drug Lab**
Product Name		
Net Weight		
Country of Origin		**USA**
Producer Name		
Address		
City		
State		
Zip		
Email		
Phone		

Please enclose payment: $50 per sample

Make Check Payable to: Alabama Department of Agriculture & Industries

Mail form, check and sample to: AL Dept of Ag & Ind, Food & Drug Lab,

1445 Federal Drive, Montgomery, AL 36107

Foods that must be pH or water tested prior to sale at the Farmers Market

(this is not a comprehensive list):

Tomato relish

Salsa (tomato or fruit)

Pepper relish

Chow Chow

Slaw

Relishes

Kimchi

Sauerkraut

Nut butters

Pickles (highly recommended, but not required)

Pickled vegetables or fruit of any kind (highly recommended, but not required)

Any canned product made with vinegar, citric acid or lemon juices must be pH tested

Traditional fruit jams and jellies made with real sugar are often excluded from testing requirements.

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pH Test for Home-Processed products sold at Farmers Markets

Do not write in shaded area

Sample 1: Provide information in this column

Sample Date (when made)		
Laboratory		Alabama Food & Drug Lab
Product Name		
Net Weight		
Country of Origin		USA
Producer Name		
Address		
City		
State		
Zip		
Email		
Phone		

Sample 2: Provide information in this column

Sample Date (when made)		
Laboratory		Alabama Food & Drug Lab
Product Name		
Net Weight		
Country of Origin		USA
Producer Name		
Address		
City		
State		
Zip		
Email		
Phone		

Please enclose payment: $35 per sample or $25 per sample for 10 or more samples
Make Check Payable to: Alabama Department of Agriculture & Industries

Mail form, check and sample to: AL Dept of Ag & Ind, Food & Drug Lab,
1445 Federal Drive, Montgomery, AL 36107