



FOOD TECHNOLOGY FACT SHEET

Adding Value to Oklahoma

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Challenges of meeting Oklahoma's farmer's market regulations and varied requirements

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Introduction

During the past 20 years, the number of farmers' markets and local food hubs greatly increased across the U.S. According to the USDA (USDA-AMS 2013), the national farmer's market directory listings have risen from 1,755 in 1994 to 8,144 in 2013. The national trend is especially evident in Oklahoma. Since 2000, the number of farmers' markets has increased from 17 to 62, and more farmers' markets are being planned. The full list of farmers' markets registered with the Oklahoma Department of Agriculture, Food and Forestry (ODAFF) can be found at www.okgrown.com/markets/.

General Farmer's Market Regulations

To participate in a farmer's market and comply with local/state laws, vendors are expected to know and follow the rules of the farmer's market and the food-business regulations for their specific products. Requirements and costs common to most or all Oklahoma farmers' markets' vendors include:

- **Daily Sales Fees:** Farmers' markets require a percentage, usually at most 10 percent, of the day's sales from each vendor. This fee helps cover market costs and is collected by the farmer's market.
- **Membership Fees:** Many farmers' markets require producers to join the farmer's market or coalition prior to selling. The fees are collected by the farmer's market or coalition.
- **Sales Tax Permit:** The Oklahoma Cooperative Extension Service has a fact sheet (AGEC-2000, by Ferrell, Adams and Hobbs 2009) explaining sales tax requirements and the differences in requirements for on-farm sales versus farmer's market sales.

- **Organic Certification:** Vendors marketing organic products must verify that their products are certified organic. The Oklahoma State University Robert M. Kerr Food & Agricultural Products Center (FAPC) is developing a fact sheet explaining the requirements and costs for organic certification. One might also contact ODAFF's Food Safety Division at 405-522-1060 to speak with an organic inspector for more details.
- **Food-Service Operator Certification:** Several Oklahoma municipalities require vendors to have Food-Service Operator Certification (FSOC) to sell certain types of food products within city limits. For specific details, contact the nearest city/county health department. FAPC will include information on FSOC training and certification costs in a forthcoming food vendor fact sheet.
- **Mobile Food-Establishment Permit, Temporary Food-Establishment Permit and Peddler's License:** Depending on the nature of products sold and the municipality, vendors may be required to purchase mobile and/or temporary establishment licenses or a peddler's permit. Check with city/county health departments and individual farmers' markets for details on these requirements. FAPC is also preparing a fact sheet specifically to address these types of license/permit requirements.

Individual Farmer's Market Requirements/Fees

While many farmers' markets require similar licensing and fees, each farmer's market contains different dynamics. As a result, individual farmers' markets may require additional regulations for their vendors. Additional regulations might include the following:

- Booth/Space Fees: Some farmers' markets require the vendors to pay for the use of a booth or section of the market. The fee is collected by the market.
- Market Promotion Fee: Similar to the Daily Sales Fee, some farmers' markets require this fee as an advertisement fund. The money collected is used for promotional materials and advertisements. The fees are due to the farmer's market.

In addition to these types of fees, individual farmers' markets may require vendors to carry food product liability insurance. While product liability insurance is not currently a regulatory requirement for vendors at most Oklahoma farmers' markets, it is becoming a more common requirement for farmer's market vendors in other states. Oklahoma's farmers' markets may eventually require coverage by their vendors, too.

Specific Examples of Farmer's Market Vendor Requirements

The following are provided as examples of vendor requirements by various farmers' markets across the state. The requirements vary to some degree by location, and the specific requirements are available on the market's website in many cases. These were the vendor guidelines as of April 2014, but requirements are subject to change.

Altus Farmer's Market Association

(see <http://oces.okstate.edu/jackson/horticulture/altus-farmers-market> for details)

- Membership fee: \$10 per year

Bartlesville Area Farmer's Market Association

(see www.bartlesvillefarmersmarket.com for details)

- Annual Vendor Fee: \$30
- Season Vendor Fee: \$12 each for 2 months (May and June, July and August, September and October)
- Patron (supporting) Fee: \$20
- 5-Month Membership (for those who join the Association after July 31): \$10
- Daily Sales: 10 percent of gross sales per day at the market, not to exceed \$10 per market day.
- Sales Tax: \$20 (with additional locations costing \$10)

Cherry Street (Tulsa) Farmer's Market

(see <http://cherrystreetfarmersmarket.com> for details)

- Note: Cherry Street Farmer's Market only accepts 3-5 new vendors each year, so potential vendors are screened prior to the acceptance of an application.
- Application for Producers: \$25
- Application of Prepared Food Vendors: \$25

- Booth Fees per week:
 - Producer Vendors
 - * South Side: \$35
 - * North Side: \$30
 - Craft and Prepared Food Vendors:
 - * South Side: \$40
 - * North Side: \$35
- Winter Market:
 - \$10 per week.
 - \$5 fee to vendors dropping off pre-order products and not attending market.
- Membership Fee: \$50 per year
- Sales Tax Permit

Choctaw Farmer's Market

(see <http://choctawcity.org/living-in-choctaw/farmers-market> for details)

- \$5 daily or \$25 for the whole season

Edmond Farmers' Markets

(see <http://edmondok.com> for details)

- Rental Fees:
 - \$10 per day per space adult and craft vendors outside the pavilion
 - \$15 per day per space for adult and craft vendors under the pavilion
 - \$25 (additional) per season fee for using electricity
 - \$5 per day per space junior vendors during the Junior Market

Enid Farmer's Market

(see www.enidfarmersmarket.org for details)

- Application Fee: \$20
- Annual Fee: \$20
- Stall Fee: 5 percent of the seller's gross sales for the market day. If no sales \$5 will be collected for each space used.

Midwest-Del City Farmer's Market

(see <http://middle.locallygrown.net/faq#1571> for details)

- Membership Fee: \$20 annually
- Sales: 5 percent of your overall sales
- In the process of changing websites

Mustang Kiwanis Farmer's Market

(see www.mustangcommunitygarden.org/about_FM.html for details)

- Space Rental: \$5 per week (10 feet by 10 feet area)
- (Plus all necessary permits, licenses, and insurance and sale taxes)

OSU-OKC Farmer's Market Regulations

(see www.osuokc.edu/farmersmarket/pdf/FM%20Regulations.pdf for details)

- Space Rental (determined by size of the space):
 - Spring/Summer Saturday Market: Large: \$50, Small: \$25
 - Indoor Winter Market: Large - \$50, Small - \$25
- Daily sales fee: equal to 6 percent of their gross daily sales (this is to cover many market costs)

Owasso Farmer's Market

(see <http://owassofarmersmarket.com/wp-content/uploads/2014/04/2014-OFMVendorApplication-for-OFM-website.pdf>)

- Membership Fee: \$15 annually
- Daily Sales Fee: 10 percent of daily gross sales (not to exceed \$10/business/day)

Payne County Fruit and Vegetable Growers Association

(see www.stillwaterfarmersmarket.com/at-the-market.html for details)

- Membership Fee: \$20
- Sales Tax Permit Fee: \$20 (with additional locations costing \$10)
- Market Promotion Fee: equal to 6 percent of daily sales or \$5 per occupied space on Wednesday or \$15/occupied space on Saturday (whichever is smaller, Winter Market will pay the same fee on Wednesday as the Summer Markets)

Pearl Farmer's Market (Peoria, Tulsa)

(see <http://pearlfarmersmarket.org/> for details)

- Sales Tax Permit Fee: \$20 (with additional locations costing \$10)
- Season Fee: \$25 (prior to setting up at the market for the first time)
- Daily Market Fee: 10 percent of gross sales per market

Sand Springs

(see www.sandspringsok.org/index.aspx?NID=425 for details)

- Sales Tax Permit Fee: \$20 (with additional locations costing \$10)

Tahlequah Farmer's Market

(see www.tahlequahfarmersmarket.org for details)

- Membership fee: \$30
- Additional Space fee: \$10
- Sales Tax: \$20 (with additional locations costing \$10)

Talihina Farmer's Market

(see www.talihinamarket.com/members/)

- Registration Fee: \$25 per year (one grower) or \$35 per year (two or more)
 - Talihina Farmers' Market members: (18)
 - \$20 for the farm with 2 votes and 6 people from that farm can sell
- \$15 for the farm with 1 vote, one grower from the farm
- \$10 for the support member, influence accepted, no vote

Watonga

(see application download at www.watongachamber.com)

- Space Fee: \$10 per space
- Sales Tax: \$20 (with additional locations costing \$10)

West Side Farmer's Market (Tulsa)

(see www.redforkmainstreet.com)

- Sales Tax: \$20 (with additional locations costing \$10)
- Season Membership Fee: \$25
- Daily Market Fee: 10 percent of gross sales per market

Woodward Farmer's Market

(see www.woodwardfarmersmarket.com for details)

- Mobile Food-Service License
- Third-Party Sales
- Re-Sold
- Packaged/Processed Foods

Learning More About Oklahoma Farmers' Markets

For more information on farmers' markets operating in Oklahoma, check out the Farmer's Market Directory by visiting www.okgrown.com/markets/ provided by the Oklahoma Department of Agriculture, Food and Forestry. For information on starting or organizing a new farmer's market or to get a new farmer's market added to the Oklahoma Farmer's Market Directory, call the Market Development Division of ODAFF at 405-522-4330. For more information on sales tax permits, go to the Oklahoma Tax Commission website by visiting www.tax.ok.gov and utilize the OTC's online services and "How Do I..." self-help links.

References

Ferrell, S., D.C. Adams, and J.C. Hobbs. (2009). Sales Tax Rules for Farmers Markets and On-Farm Sales: The Exemption Ends at the Farm Gate. Oklahoma Cooperative Extension Service Fact Sheet AGEC-2000.

US Department of Agriculture, Agricultural Marketing Service. (2013) National Count of Farmers Market Directory Listings (last updated August 3, 2013). Available at <http://www.ams.usda.gov/AMSV1.0/ams.fetchTemplateData.do?template=TemplateS&leftNav=WholesaleandFarmersMarkets&page=WFMFarmersMarketGrowth&description=Farmers%20Market%20Growth>. Accessed May 24, 2014.

The Oklahoma Cooperative Extension Service Bringing the University to You!

The Cooperative Extension Service is the largest, most successful informal educational organization in the world. It is a nationwide system funded and guided by a partnership of federal, state, and local governments that delivers information to help people help themselves through the land-grant university system.

Extension carries out programs in the broad categories of agriculture, natural resources and environment; home economics; 4-H and other youth; and community resource development. Extension staff members live and work among the people they serve to help stimulate and educate Americans to plan ahead and cope with their problems.

Some characteristics of Cooperative Extension are:

- The federal, state, and local governments cooperatively share in its financial support and program direction.
- It is administered by the land-grant university as designated by the state legislature through an Extension director.
- Extension programs are nonpolitical, objective, and based on factual information.
- It provides practical, problem-oriented education for people of all ages. It is designated to take the knowledge of the university to those persons who do not or cannot participate in the formal classroom instruction of the university.
- It utilizes research from university, government, and other sources to help people make their own decisions.
- More than a million volunteers help multiply the impact of the Extension professional staff.
- It dispenses no funds to the public.
- It is not a regulatory agency, but it does inform people of regulations and of their options in meeting them.
- Local programs are developed and carried out in full recognition of national problems and goals.
- The Extension staff educates people through personal contacts, meetings, demonstrations, and the mass media.
- Extension has the built-in flexibility to adjust its programs and subject matter to meet new needs. Activities shift from year to year as citizen groups and Extension workers close to the problems advise changes.