



City of San Marcos

Community Services - Environmental Health

Farmer's Markets

Farmer's Market means a designated location used primarily for the distribution and sale directly to consumers of food by farmers or other producers.

Farm stand is an on premise (owned and operated by a producer of agricultural food products) location at which the producer or other persons may offer for sale produce or other foods.

Food means an agricultural, apicultural, horticultural, silvicultural, viticultural, or vegetable product for human consumption, in either its natural or processed state, that has been produced or processed or otherwise had value added to the product in this state.

Term includes:

- Fish or other aquatic species
- Livestock, a livestock product, or a livestock by product
- Planting seed
- Poultry product, or poultry by product
- Wildlife processed for food or by-products
- Product made from a product described by this division
- Produce

A temporary food establishment permit is not needed to sell whole, intact unprocessed fruits and vegetables and pre-packaged non-potentially hazardous food at a farmers market.

Any potentially hazardous food sold by a vendor at farmer's market can be permitted by the local health department to ensure that food is properly handled and kept at correct time and temperature safety guidelines.

Potentially hazardous food (PHF) means a food that requires time and temperature control for safety (TCS) to limit pathogen growth or toxin production. A PHF/TCS is a food that contains protein, moisture (water activity greater than 0.85), and is neutral to slightly acidic (pH between 4.6-7.5). PHF must be kept under proper temperature controls to prevent growth of bacteria that may cause human illness.

Raw milk cannot be sold at a farmers' market.

Farm eggs may be sold at farmers' market. The following shall be required:

- Eggs shall be maintained at 45°F or below
- Temporary food establishment permit is required
- Egg cartons or other containers must be labeled as "ungraded" with safe handling instructions, and provide the producer's (vendor's) name and address

All slaughtered cattle, poultry, fish or other aquatic species may be sold at a farmers market if:

- Meat or poultry must come from animals processed in compliance with regulations for livestock processing (Texas Health and Safety Code Chapter 433)
- Commercial fishermen must hold a license from the TPWD or fish/aquatic species must be produced and raised in a facility that has an aquaculture license from TDA
- Temporary food establishment permit shall be obtained from local health department