

## California Farm stands & shops; some rules and resources



A farm stand piled high with fresh-picked peaches is a timeless picture of summer in California. Farmers have been selling their produce at roadside stands just about as long as there have been roads and customers to drive on them.

### Field Retail Stands

Currently, most of California's 58 counties allow farmers on agricultural zoned land to sell produce and shell eggs produced on land that they own or lease at a temporary sales facility on the farm, **exempt from California Health and Safety Code**, as long as appropriate standards are met.

This traditional farm stand, selling only whole produce and shell eggs grown by the producer on or near the site, is now named a "field retail stand," and is exempt from standard wholesale size and pack requirements. Although field retail stands do not require any permit from a county or municipal health department, and are usually allowed "by right" on agricultural lands, any farmer considering setting up such a sales venue should consult his or her county or city planning department about regulations or advice concerning parking, road access, signage, allowed size, and set-back from the road.

[Assembly Bill 2168](#), which became effective January 1, 2009, created more allowances for modern farm stands throughout California, but these farm stands require a permit from a county Environmental Health Department. **Farm stands** in California are regulated by [California Health and Safety Codes](#) (statewide) and county or municipal land use regulations (zoning ordinances)

### Jams, pickles, and more allowed at farm stands

AB 2168 established a new category for farm stands that are allowed to sell processed agricultural products, such as jams, preserves, pickles, juices, cured olives and other "value-added" products made with ingredients produced on or near the farm, in addition to fresh produce and eggs produced on the farm.

Local processed farm products sold at farm stands must all be:

- Shelf-stable, specifically "non-potentially hazardous." This generally means food products that can be safely held without temperature controls because the product would not support the rapid growth of infectious or toxic organisms.
- Prepared and packaged in a health department-approved facility, not a home kitchen unless it is a licensed Cottage Food Operation. For low-acid canned goods with pH levels greater than 4.6,



such as preserved corn or green beans, processing must take place in a state-licensed cannery. For more information about products such as salsas or chutneys where acid levels are unknown, consult your county environmental health department.

- Produced in “close proximity” to the farm stand.

One advantage of selling value-added products is growers can create jams or juices from produce that might not otherwise be sold because of cosmetic blemishes, seasonal market saturation, or overproduction. Converting excess fruits or vegetables into a product that can be sold in the off-season is one more chance for income. Having products to sell year-round can also mean more regular customers.



### **Bottled water also allowed**

Farm stands are now also allowed to sell some bottled water, sodas and other non-local foods in limited quantities. These non-local, pre-packaged foods and drinks are limited to 50 square feet of selling space. The legislation specifically includes bottled water and other drinks, but also allows for other “non-potentially hazardous” foods.

Some counties also allow the sale of food preparation tools and equipment, with some space limitations, at farm stands.

The addition of bottled drinks and some non-local, prepackaged foods helps modern farm stands be more convenient for visitors.

### **Health regulations**

Farm stands that sell anything other than fresh, farm-produced fruits, vegetables, nuts and shell eggs are considered “retail food facilities,” and are therefore regulated by California Health and Safety Code. But requirements for farm stands are much less strict than those for most retail food facilities. For farm stands, health department inspectors require:

- No food preparation at the farm stand, other than sampling. Food sampling is allowed if at least a portable toilet and temporary hand-washing facilities are available for use by employees.
  - Samples shall be kept in clean, non-absorbent, and covered containers. Any cutting or distribution of samples shall only occur under a tent, canopy, or other overhead covering.
  - All food samples shall be distributed by the producer in a manner that is sanitary and in which each sample is distributed without the possibility of a consumer touching the remaining samples.

- Clean, disposable plastic gloves shall be used when cutting food samples.
- For more details about food handling rules, see: [California Retail Food Code](#)
- Processed foods must be stored in a vermin-proof area or container when the facility is closed.
- All garbage and refuse must be disposed of in an appropriate manner.
- No live animals within 20 feet of food storage or sales area, except service dogs



### Other produce sales facilities

- **Urban Farm Stands** - The California Retail Food Code describes "Community Food Producers" as producers on land not zoned for agriculture, and allows such producers to sell their products to the public or to a Cottage Food Operation or a permitted food facility as long as [small farm food safety guidelines](#) are followed and county zoning ordinances allow.
  - Check with your city or county about any urban farm stand regulations if you are a community food producer.
  - Example: [Sacramento County Urban Agriculture Ordinance](#)
- **Produce Stands, Agricultural Markets** - A market selling produce produced by people other than the owner or tenant of the land where the market is located is usually determined to be a "food facility," with stricter requirements for toilet facilities, janitorial facilities and other rules.

### Some County ordinances allow processing, events or additional sales at farm stands, for example:

- [Sonoma County's On-Farm Retail Sales](#) - prepared by UCCE Agriculture Ombudsman Karen Giovannini - an example of clear explanations of county zoning districts and requirements for different kinds of on-farm retail sales.
- [Sacramento County allows](#) a farmer to sell produce or processed products produced by other farmers by making use of the health code allowances for "temporary events" and to hold events at field retail stands, farm stands, produce stands and agricultural markets.

**Tip Sheet:** [Tips for Selling at: Roadside Stands](#), from the [National Center for Appropriate Technology](#), by Marisa Alcorta, Rex Dufour and Tammy Hinman, 2012

**Guide:** [Agritourism Best Practices; How to Develop a Farm Stand](#), one of many great guides from the [Vermont Agritourism Collaborative](#)



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