



Ohio Administrative Code

Rule 901:3-6-01 Authority of the director of agriculture; Definitions.

Effective: July 11, 2024

(A) Pursuant to section 3717.221 of the Revised Code, the director shall administer the applicable provisions of Chapter 901:3-6 of the Administrative Code to farm markets, and farm product auctions that have registered with the Ohio department of agriculture. A farm market, or farm product auction may register with the Ohio department of agriculture on a form prescribed by the director which can be found at <https://agri.ohio.gov/divisions/food-safety/resources/farm-market>.

Unregistered farm markets and unregistered farm product auctions will be regulated pursuant to Chapter 3717. of the Revised Code as a retail food establishment or a food service operation.

(B) Definitions:

As used in Chapter 901:3-6 of the Administrative Code:

- (1) "Adulterated" has the meaning stated in section 3715.59 of the Revised Code.
- (2) "C.F.R." means code of federal regulations.
- (3) "Cottage food production operation" as defined in section 3715.01 of the Revised Code.
- (4) "Director" means the director of the Ohio department of agriculture or designee.
- (5) "Registered farm market" means a producer operated facility where only the following food items may be offered for sale:
 - (a) Fresh unprocessed fruits or vegetables;
 - (b) Products of a cottage food production operation;



(c) Tree syrup, sorghum, apple syrup, apple butter or honey that is produced by a processor or beekeeper described in division (A) of section 3715.021 of the Revised Code;

(d) Commercially prepackaged food that is not potentially hazardous, on the condition that the food is contained in displays, the total space of which equals less than one hundred cubic feet at the farm market;

(e) Cider and other juices manufactured on site at the farm market;

(f) Raw eggs, raw poultry, and raw nonamenable meat on the condition that those products were produced in accordance with Chapter 3717.22(B)(8), (9) and (10) of the Revised Code.

(6) "Farmers' market" means a location where producers congregate to offer food items for sale.

(7) "Registered farm product auction" means a location where only one or more of the following products are offered for sale at auction:

(a) Raw eggs, raw poultry, or raw nonamenable meat on the condition that those products were produced in accordance with Chapter 3717.22(B)(8), (9) and (10) of the Revised Code.

(b) Fresh unprocessed fruits or vegetables;

(c) Products of a cottage food production operation;

(d) Tree syrup, sorghum, apple syrup, apple butter or honey that is produced by a processor or beekeeper described in division (A) of section 3715.021 of the Revised Code.

(8) "Home" has the meaning stated in section 3715.01 of the Revised Code.

(9) "Misbranded Food" has the meaning stated in section 3715.60 of the Revised Code.

(10) "Nonamenable meat" means any species other than cattle, sheep, swine, goats, horses, mules, other equines, ratites (emu, rhea, and ostrich), and domesticated poultry (turkey, chicken, ducks,



geese, and guinea fowl). Examples of nonamenable species includes farm raised mammals such as bison, rabbit, and deer.

(11) "Potentially hazardous food" has the meaning stated in division (A)(18) of section 3715.01 of the Revised Code.

(12) "Producer" means a person who raises agricultural products on land the person owns or leases by themselves.

(13) "Egg" means the shell egg of avian species such as chicken, duck, goose, guinea, quail, ratites, or turkey. It does not include a balut, the egg of reptile species such as alligator; or an egg product.