



Challenges of Meeting Oklahoma Farmers' Market Regulations and Varied Requirements

EXTENSION

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Introduction

During the past 25 years, the number of farmers' markets and local food hubs greatly increased across the U.S. According to the USDA ([USDA Farmers Market IUSDA](#)), the national farmers' market directory listings have risen from 1,755 in 1994 to 8,600 in 2020. The national trend is especially evident in Oklahoma. Since 2000, the number of farmers' markets has increased from 17 to 61, and more farmers' markets are being planned. The full list of farmers' markets registered with "[Shape your future](#)" (a program of TSET) can be found at OK Grown.

General Farmers' Market Regulations

To participate in a farmers' market and comply with local/state laws, vendors are expected to know and follow the rules of the farmers' 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 farmers' market.
- **Membership Fees:** Many farmers' markets require producers to join the farmers' market or coalition prior to selling. The fees are collected by the farmers' market or coalition.
- **Sales Tax Permit:** The Oklahoma Cooperative Extension Service fact sheet [AGEC-2000](#) explains sales tax requirements for on-farm sales versus farmers' market sales.

Oklahoma Cooperative Extension Fact Sheets are also available on our website at: extension.okstate.edu

- **Organic Certification:** Vendors marketing organic products must verify that their products are certified organic. You can also contact ODAFF's Food Safety Division at (405) 522-6119 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 additional information on FSOC training and certification costs visit the [FAPC](#) website.
- **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. Food business license and permit costs are available in [FAPC-185](#).

Individual Farmers' Market Requirements and Fees

While many farmers' markets require similar licensing and fees, each farmers' market has 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 farmers' 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' market vendors in other states. Oklahoma's farmers' markets may eventually require coverage by their vendors too.

Specific Examples of Farmers' 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 2022, but requirements are subject to change.

Altus Farmers Market Association

- Membership fee: \$10 per year

[Bartlesville Area Farmers' Market Association](#)

- Annual Vendor Fee: \$40
- One half of year: \$20
- Daily Sales: 10% of gross sales per day at the market, not to exceed \$10 per market day.

Choctaw Farmers' Market

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

[Edmond Farmers Market Association](#)

Rental Fees:

- \$10 per day per space for adult and craft vendors outside the pavillion
- \$15 per day per space for adult and craft vendors inside the pavillion
- \$25 (*additional*) per season fee for using electricity
- \$5 per day per space for junior vendors during the junior market.

Midwest-Del City Farmers' Market

- Membership Fee: \$20 annually
- Sales: 5 percent of overall sales

[Owasso Farmer's Market](#)

- 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](#)

- Membership Fee: \$40
- 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)

[Tahlequah Farmers' Market](#)

- Membership Fee: \$35
- Additional Fee: 5% of weekly sales, no greater than \$30

Watonga Farmers' Market

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

[Woodward Farmers' Market](#)

- 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, the [Farmers' Market Directory](#) provided by the Oklahoma Department of Agriculture, Food and Forestry can be a resource. For additional information on starting or organizing a new farmers' market or to get a new farmers' market added to the Oklahoma Farmers' Market Directory, call the Market Development Division of ODAFF at (405) 606-1477. For more information on sales tax permits, go to the Oklahoma Tax Commission website by visiting oklahoma.gov/tax.html and utilize the OTC's online services as well as the "Help Center" section.

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