

Subchapter FF. Farmers' Markets.

§229.701. Purpose and Applicability.

(a) The purpose of this subchapter is to implement rules under Health and Safety Code, Chapter 437, as they relate to food temperature requirements and permits at farmers' markets.

(b) This subchapter does not apply to a farmers' market in a county:

- (1) that has a population of less than 50,000; and
- (2) over which no local health department has jurisdiction.

(c) A person who sells or provides samples of meat or poultry or food containing meat or poultry shall comply with Health and Safety Code, Chapter 433.

(d) This section does not authorize the sale of or provision of samples of raw milk or raw milk products at a farmers' market.

§229.702. Definitions. The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise.

(1) Department--The Department of State Health Services.

(2) Farmers' market--A designated location used primarily for the distribution and sale directly to consumers of food by farmers and other producers.

(3) Fish--As defined in §229.162 of this title (relating to Definitions).

(4) Food--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 has had value added to the product in this state. The term includes:

- (A) fish or other aquatic species;
- (B) livestock, a livestock product, or livestock by-product;
- (C) planting seed;
- (D) poultry, a poultry product, or a poultry by-product;
- (E) wildlife processed for food or by-products;

(F) a product made from a product described in this paragraph by a farmer or other producer who grew or processed the product; or

(G) produce.

(5) Potable water--Drinking water.

(6) Poultry--A live or dead domesticated bird.

(7) Produce--Fresh fruits or vegetables.

(8) Producer--A person or entity that produces agricultural products by practice of the agricultural arts upon land that the person or entity controls.

(9) Sample--A bite-sized portion of food or foods offered free of charge to demonstrate its characteristics and does not include a whole meal, an individual portion, or a whole sandwich.

(10) Potentially hazardous food (time/temperature control for safety food)--As defined in §229.162 of this title.

§229.703. Permits. The department or the local health department may issue a permit to a person who sells potentially hazardous food (time/temperature control for safety food) at a farmers' market.

§229.704. Temperature Requirements.

(a) Potentially hazardous food (time/temperature control for safety food) sold, distributed, or prepared on-site at a farmers' market, and potentially hazardous food (time/temperature control for safety food) transported to or from a farmers' market shall meet the requirements of this section.

(b) Frozen food. Stored frozen foods shall be maintained frozen.

(c) Hot and cold holding. All potentially hazardous food sold at, prepared on site at, or transported to or from a farm or farmers' market at all times shall be maintained at:

(1) 5 degrees Celsius (41 degrees Fahrenheit) or below; or

(2) 54 degrees Celsius (135 degrees Fahrenheit) or above.

(d) Cooking of raw animal foods. Raw animal foods shall be cooked to heat all parts of the food to the following temperatures:

(1) poultry, ground poultry, stuffing with poultry, meat and fish to 74 degrees Celsius (165 degrees Fahrenheit) for 15 seconds;

(2) ground meat, ground pork, ground fish, and injected meats to 68 degrees Celsius (155 degree Fahrenheit) for 15 seconds;

(3) beef, pork, meat, fish and raw shell eggs for immediate service to 63 degrees Celsius (145 degrees Fahrenheit) for 15 seconds;

(4) prepackaged, potentially hazardous food (time/temperature control for safety food), that has been commercially processed, to 57 degree Celsius (135 degrees Fahrenheit);

(5) a raw or undercooked whole-muscle, intact beef steak may be served if:

(A) the steak is labeled to indicate that it meets the definition of "whole-muscle, intact beef" as defined in §229.162(115) of this title (relating to Definitions); or

(B) the steak is cooked on both the top and bottom to a surface temperature of 63 degrees Celsius (145 degrees Fahrenheit) or above and a cooked color change is achieved on all external surfaces.

(6) raw animal foods cooked in a microwave oven shall be:

(A) rotated or stirred throughout or midway during cooking to compensate for uneven distribution of heat;

(B) covered to retain surface moisture;

(C) heated to a temperature of at least 74 degrees Celsius (165 degrees Fahrenheit) in all parts of the food; and

(D) allowed to stand covered for 2 minutes after cooking to obtain temperature equilibrium.

(e) Cooking fruits and vegetables. Fruits and vegetables that are cooked shall be heated to a temperature of 57 degrees Celsius (135 degrees Fahrenheit).

(f) Eggs. A farmer or egg producer that sells eggs directly to the consumer at a farm or farmers' market shall maintain the eggs at an ambient air temperature of 7 degrees Celsius (45 degrees Fahrenheit) as specified in §229.164(c)(1)(C) of this title (relating to Food).