The Michigan Department of Agriculture and Rural Development (MDARD) is a State department that was established in 1921 to implement laws pertaining to the production, handling and distribution of agricultural products. The following fact sheet outlines licensing requirements established by the MDARD that must be followed before agriculture-related products may be sold on a farm, at a farmers market, or to restaurants. The information provided herein is intended to provide readers with a general overview of the MDARD licensing regulations; thus, prior to selling a specific agriculture-related product, please contact the MDARD’s Food and Dairy Division at 800-292-3939 to verify with a MDARD inspector that a license is or is not required for a specific operation. Further, please remember these are only the State regulatory requirements. There may be additional local ordinances and federal requirements for some types of markets and/or products. Again, please contact the MDARD’s Food and Dairy Division for more information about regulatory requirements for selling agriculture-related in Michigan.

Definitions

On farms” or “on a farm”- In the context of selling fruits and vegetables, “on farms” or “on a farm” means selling fruits and vegetables on the farmer’s own farm, as well as selling fruits and vegetables on another farmer’s farm

Food Establishment- a business that makes, processes, stores, or serves food. The following are examples of food establishments that require licensing under the MDARD:
- Retail grocery stores, convenience stores, produce markets, food warehouses, distribution centers, public cold storage facilities, food processing plants such as fruit & vegetable repacking operations

For more information about food establishments and the costs to obtain licenses for the various food establishments, please visit the MDARD website at:
http://www.michigan.gov/mdard/0,4610,7-125-1569_16958_16974-173898--.00.html

Retail Food Establishment- a specific type of food establishment. Specifically, it is an operation that sells or offers to sell food directly to a consumer. Examples include a grocery store, convenience store, party store, retail bakery, and produce market. The cost to obtain a Retail Food Establishment license is $70.00.

Food Processing Plant- a specific type of food establishment. Specifically, it is an operation that processes, manufactures, packages, or labels food for wholesaling. Examples include specialty foods processor; fruit & vegetable packer; canning plant; etc. Typically, the cost to obtain a Food
Processing Plant license ranges from $70-$175.

**Commercial Kitchen** - an approved, commercial grade facility for processing. Using your personal home kitchen is not allowed. If you would like your home kitchen to be considered a commercial kitchen, you will need to construct a separate kitchen dedicated to your food business. There are specific requirements for licensed kitchens. For specific regulatory requirements for commercially processing food in Michigan, contact MDARD’s Food and Dairy Division at 800-292-3939.

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**Fresh/Raw Fruits and Vegetables**

*This section pertains specifically to fruits and vegetables that are fresh/raw. Prior to selling, the fruits and vegetables in this section cannot have been cut, frozen, processed, canned, pickled, or cooked.*

Farmers are permitted to sell their fresh/raw fruits and vegetables on farms and at farmers markets without a license. Typically, Farmers are also permitted to sell their fresh/raw fruits and vegetables to restaurants without a license. However, prior to selling the fresh/raw fruits and vegetables to a restaurant, the MDARD recommends contacting an MDARD inspector to double check whether a license is required for the farmer’s specific operation. Please see the “Additional Resources” section for contact information.

- **Example:** Farmer Bob grows carrots. At the end of the growing season, he picks the carrots from the ground, but does nothing else to the carrots (i.e. he does not cut, freeze, process, can, pickle, or cook the carrots). Farmer Bob sets up a stand on his farm to sell the carrots to people in the community. Farmer Bob also brings his carrots to the Eastern Market in Detroit to sell his product to even more members in the community. Farmer Bob does not require a license to do either of these things.

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**Cut Fruits and Vegetables**

*This section pertains specifically to fresh/raw fruits and vegetables that have been cut. The fresh/raw, cut fruits and vegetables have to remain refrigerated at all times (i.e. they must be held at 41° F or less at all times). Although the fresh/raw, cut fruits and vegetables must remain lower than 41° F, this section does not pertain to fruits and vegetables that have been frozen. For information regarding frozen fruits/vegetables, please see the “Frozen Fruits and Vegetables” section below. Further, the fresh/raw, cut fruits and vegetables discussed in this section cannot have been canned, pickled, cooked, etc.*

In terms of selling fresh/raw, cut fruits and vegetables on a farm or at a farmers market, a MDARD food establishment license is required. Further, the cut product must be prepared in a **commercial kitchen**. As for selling fresh/raw, cut fruits and vegetables to restaurants, the finished product must come from the producer’s licensed **retail food establishment** or a **food processing plant**.

- **Example:** Farmer Jim grows cucumbers. At the end of the growing season, he picks the cucumbers. Farmer Jim brings the cucumbers into his approved commercial grade kitchen, which is a separate kitchen from his home kitchen. Farmer Jim cuts the cucumbers in his commercial grade kitchen. After cutting the cucumbers, he stores them in a refrigerator that maintains a temperature lower than 41° F. Before selling the cut cucumbers on his farm and at the local farmers market, Farmer Jim contacts an MDARD inspector to get a food establishment license.

- **Example:** Farmer Jim decides he also wants to sell to restaurants. Farmer Jim sends the fresh/raw cucumbers to a licensed food processing plant to be cut. He then sells the cut
cucumbers to local restaurants, and the cut cucumbers remain stored at a temperature less than $41^\circ F$ until she sells them.

**Frozen Fruits and Vegetables**

*This section pertains specifically to fruits and vegetables that have been frozen. This can refer to fruits and vegetables that were fresh/raw and then frozen, or it can refer to fresh/raw fruits and vegetables that were cut then frozen. However, this section does not pertain to fruits and vegetables that were canned, pickled, or cooked and then frozen.*

In terms of selling frozen fruits and vegetables on a farm, a MDARD food establishment license is required. Further, the finished product must be processed in a commercial kitchen and must remain frozen at all times. In terms of selling the product at a farmers market or to a restaurant, the finished product must come from the producer’s licensed food establishment or a food processing plant, and the product must remain frozen at all times.

- **Example:** Farmer Mary grows strawberries. At the end of the growing season, she picks the strawberries. Farmer Mary brings the strawberries into her approved commercial grade kitchen, which is a separate kitchen from her home kitchen. Farmer Mary freezes the strawberries, and they remain frozen until she sells them. Before selling the frozen strawberries on her farm, Farmer Mary contacts an MDARD inspector to get a food establishment license.

- **Example:** Farmer Mary decides she also wants to sell to restaurants and at farmers markets. Farmer Jim sends the fresh/raw strawberries to a licensed food processing plant to be frozen. She then sells the frozen strawberries to local restaurants and at the local farmers market, and the strawberries remain frozen until the time she sells them.

**Additional Resources**

For general information on licensing requirements for fruits and vegetables, please visit the MDARD website at [http://www.michigan.gov/mdard/0,4610,7-125-1569---,00.html](http://www.michigan.gov/mdard/0,4610,7-125-1569---,00.html), or call the MDARD Customer Service Center at 1-800-292-3939.

**Licensing Fees:** For more information regarding specific licenses and licensing fees, please visit the MDARD website at [http://www.michigan.gov/mdard/0,4610,7-125-1569_16958_16974-11890--.00.html](http://www.michigan.gov/mdard/0,4610,7-125-1569_16958_16974-11890--.00.html), or call the MDARD Food and Dairy Division at 1-800-292-3939.

**Applying for a MDARD Food Establishment License:** For information about how to apply for a MDARD License, please contact the MDARD Customer Service Center at 1-800-292-3939. To obtain an application for an MDARD food establishment license, please go to the MDARD website at [http://www.michigan.gov/mdard/0,4610,7-125-1569_16958_16974-51722--.00.html](http://www.michigan.gov/mdard/0,4610,7-125-1569_16958_16974-51722--.00.html)