



Department of Public Health and Human Services

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Steve Bullock, Governor

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DPHHS Technical Guidance on the sale of hot beverages at a Farmer's Market.

This memo provides guidance related to new legislation (House Bill 333) regarding the sale of hot coffee and hot tea at a Farmer's Market (FM). The purpose is to clarify and help ensure consistent application throughout the state.

Montana Code Annotated (MCA) 50-50-202 was amended to allow hot coffee and tea to be sold at FM without a DPHHS retail food license.

Specifically:

MCA 50-50-202 (3)

(b) A license is not required of a person:

(i) selling or offering hot coffee or hot tea at a farmer's market; or

(ii) selling baked goods or preserves at a farmer's market or exclusively for a charitable community purpose.

(c) Coffee or tea exempted under this subsection (3) may not be prepared or served with fresh milk or cream.

DPHHS Guidance and Interpretation:

1. Only commercially packaged single service dehydrated packets of milk and creamer are allowed to be dispensed with hot beverages.
2. "Hot coffee and hot tea" does not include lattes, chai teas, or any beverages that have fluid milk, fluid cream or other potentially hazardous ingredients.

The changes outlined above apply only to Farmer's Markets. The requirements for retail sales of hot coffee and tea remain unchanged.

For more information, please contact DPHHS-FCSS at 406-444-2408 or visit our website: www.fcss.mt.gov

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