



# Department of Public Health and Human Services

Public Health & Safety Division ♦ Communicable Disease Control & Prevention Bureau

Food & Consumer Safety ♦ PO Box 202951 ♦ 1400 Broadway ♦ Helena, MT 59620-2951

Phone: (406) 444-2408 ♦ Fax: (406) 444-5055

**Steve Bullock, Governor**

**Richard H. Opper, Director**

## **DPHHS Technical Guidance on the sale of eggs at a Farmer’s Market.**

This memo provides guidance related to new legislation (House Bill 399) regarding the sale of whole shell eggs at a Farmer’s Market (FM). The intent is to clarify and help ensure consistent application throughout the state.

Montana Code Annotated (MCA) 50-50-202 was amended to allow whole shell eggs to be sold at a FM without a DPHHS retail food license.

Specifically:

MCA 50-50-202 (3) (a) (i) A license is not required of a gardener, farm owner, or farm operator who sells raw and unprocessed farm products or whole shell eggs at a farmer’s market.

(ii) Whole shell eggs sold at a farmers market by a farm owner or operator must:

- (A) be clean, free of cracks and stored in clean cartons;
- (B) be kept at a temperature established by the department; and
- (C) carry a label indicating the name and address of the farm owner or operator selling the eggs.

DPHHS Guidance and Interpretation:

1. The term of “clean” means the object is free of dirt, feces, and other foreign matter. This would apply to the cartons and the eggs.
2. New cartons and recycled cartons must be labeled with the name and mailing and/or physical address of the farm owner or operator.
3. Eggs must be held at or below the “safe temperature” of 41°Fahrenheit for storage and display, as defined in ARM 37.110.203 (61).

The changes outlined above apply only to Farmer’s Markets. The requirements for retail sales of whole shelled eggs remain unchanged.

For more information, please contact DPHHS-FCSS at 406-444-2408 or visit our website: [www.fcss.mt.gov](http://www.fcss.mt.gov)

April 25, 2013