

TO PREPARE FOOD IN MARYLAND:



By answering the questions in this flow chart, a food business determines the requirements that apply to their food product in order to sell at Farmers Markets in Montgomery County. If you still have questions about a specific product, contact Licensure and Regulatory Services within the Montgomery County Department of Health and Human Services at 240-777-3986.

Does my product need to be refrigerated, contain meat or dairy?

YES

NO

My product is a Potentially Hazardous

My product is a nonhazardous food product

Does my product fall into one of the following categories AND appear on Table 1?

- High acid jam or jelly
- Baked Goods (with NO fillings or icing that require refrigeration)
- Hard Candy
- Unflavored honey

NO

YES

My product is a non-hazardous, NON-Cottage Food product

My product is a Maryland Cottage Food Product

My product **MUST** be made in a licensed kitchen

My product **CAN** be made in my home kitchen, with certain sales restrictions

My product is

- a commercially packaged potentially hazardous sold food directly to the consumer;
- non-potentially hazardous food that is cut, assembled, or packaged on the premises (candy, popcorn, baked goods, and dipped ice cream)

NO

YES

Low Priority Potentially Hazardous Food

My product passes through the temperature danger zone, 41F – 135 F, one time before service, such as cooking, hot holding and then serving; or cutting, assembling, or packaging on the premises, such as meats.

My product is a:

- Raw Agricultural Food
- Maryland Cottage Food
- Low Priority Potentially Hazardous Food
- Moderate Priority Potentially Hazardous Food
- High Priority Potentially Hazardous Food

Low Priority Potentially Hazardous Food

Tips for reading the charts:

- For food businesses, you are not licensed as one entity; you are licensed as a place of production and a place of sales. This is because not all sales venues require the same degree of requirements for where you prepare your product.
- A Food Facility/Food Service Facility License/Permit is obtained from the County where you are preparing food
→ A farmers market or temporary event permit is obtained from the County where you are selling food.
→ If a farmers market or temporary event requires a Food Service Facility License this License does NOT have to be in the same County where you are selling the food. However, some Counties require that your business personally holds the Food Service Facility License, whereas, other Counties will only require a letter from a Licensed Facility, and you do not need that license in your business name.
- It is recommended that everyone register their business and have insurance. Unless stated in the chart, most Counties do not ask for your Trade Name or Tax ID number, though some do. Again, everyone should have this, however only some Counties specifically ask for it in the permit application.
- Most licensed facilities and events will ask that you have insurance. This may not appear on the actual permit application but it may be required by the independent market organizers. Only documents that are required for obtaining permits at the County level are indicated on the chart. It does not mean that there aren't additional forms that are required on behalf of the event organizers.

I would like to sell my product at a Farmers Market in Montgomery County, Maryland		
Class of Food	Where food product can be produced	Documents required to sell food in Montgomery County
Farmer/Raw Agricultural Products only		<ul style="list-style-type: none"> • Temporary Event specific application forms • Montgomery County Temporary Food Service License Application • Tax ID
Maryland Cottage Food Product	In a home kitchen	<ul style="list-style-type: none"> • Temporary Event specific application forms • Montgomery County Temporary Food Service License Application • Tax ID • Product is labeled according to State regulations (Table 2)
Low Priority Potentially Hazardous Food	In a licensed kitchen	<ul style="list-style-type: none"> • Temporary Event specific application forms • Montgomery County Temporary Food Service License Application • Tax ID • Letter from licensed facility
Moderate Priority Potentially Hazardous Food	In a licensed kitchen	<ul style="list-style-type: none"> • Temporary Event specific application forms • Montgomery County Temporary Food Service License Application • Tax ID • Letter from licensed facility
High Priority Potentially Hazardous Food	In a licensed kitchen	<ul style="list-style-type: none"> • Temporary Event specific application forms • Montgomery County Temporary Food Service License Application • Tax ID • Letter from licensed facility