



Understanding the Basics of Licensing & Regulation of Direct Agricultural Product Sales Resources

PA Entities That Oversee Food Safety:

- **PDA's Bureau of Food Safety:**
https://www.agriculture.pa.gov/consumer_protection/FoodSafety/Pages/default.aspx
 - **Public Inspection Search:** <https://www.pafoodsafety.pa.gov/Web/Inspection/PublicInspectionSearch.aspx>
- **PA County & Local Health Departments:**
https://www.agriculture.pa.gov/consumer_protection/FoodSafety/Retail%20Food/Documents/Local%20Health%20CU%20RRENT%2010-06-22.pdf

Primary Laws Enforced by PA Department of Agriculture (PDA):

- **Retail Food Facility Safety Act:**
<https://govt.westlaw.com/pac/Browse/Home/Pennsylvania/UnofficialPurdonsPennsylvaniaStatutes?guid=NOBB3FA70347411E0B106900B3AAF131A&transitionType=Default&contextData=%28sc.Default%29>
- **Food Safety Act:**
<https://govt.westlaw.com/pac/Browse/Home/Pennsylvania/UnofficialPurdonsPennsylvaniaStatutes?guid=NOBB3FA70347411E0B106900B3AAF131A&transitionType=Default&contextData=%28sc.Default%29&bhcp=1>
- **PA Food Code:**
<https://www.pacodeandbulletin.gov/Display/pacode?file=/secure/pacode/data/007/chapter46/chap46toc.html&d=>
- **U.S. Food & Drug Agency's (FDA) Model Food Code:**
<https://www.fda.gov/food/retail-food-protection/fda-food-code>

Exemptions for PDA Retail Food Facility Licensure:

<http://www.pacodeandbulletin.gov/Display/pabull?file=/secure/pabulletin/data/vol46/46-19/787.html>

https://www.agriculture.pa.gov/consumer_protection/FoodSafety/Retail%20Food/Pages/default.aspx

"A facility is exempt from having to obtain a Retail Food Facility License if:

- 1. The facility is located within PDA jurisdiction as the licensor. The exemption does not necessarily apply to facilities operating in Local Health jurisdictions.*
- 2. The retail food facility is one of the following:*
 - 1. Operates on no more than three (3) days per calendar year.*
 - 2. Food bank owned by a charitable nonprofit entity and operated for charitable or religious purposes.*
 - 3. Soup kitchen owned by a charitable nonprofit entity and operated for charitable or religious purposes.*
 - 4. Charitable nonprofit entity established to promote and encourage participation or support for extra-curricular recreational activities for youth.*
 - 5. Offers only prepackaged, shelf stable (non-TCS) foods or beverages (ex: canned soda, packaged chips, candy).*
 - 6. Food or beverages sold only through a vending machine.*
 - 7. Sells only raw agricultural commodities (unprocessed, not ready-to-eat).*

A retail food facility that is exempt from the license requirements under the Act is exempt from the licensure requirement only, and remains subject to inspection and all other provisions of the Act."

Note: If a facility is licensed by a local health department, exemptions may differ.



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Retail Food Facilities:

“Restaurants, Bars, Clubs, Food Auctions, Grocery Stores, Convenient Store, Beer Distributors, Schools, Caterers and similar public food facilities where **food is sold or served directly to a consumer from a physical location or facility.**”

https://www.agriculture.pa.gov/consumer_protection/FoodSafety/Retail%20Food/Retail%20Foods%20Facilities%20and%20Restaurants/Pages/default.aspx

PDA's Retail Food Program:

“The retail food program covers all proprietors who serve food and/or drinks directly to the consumer with or without charge”

https://www.agriculture.pa.gov/consumer_protection/FoodSafety/Retail%20Food/Pages/default.aspx

Mobile Food Facilities, Fairs and Temporary Events:

https://www.agriculture.pa.gov/consumer_protection/FoodSafety/Retail%20Food/Pages/Fair-and-Other-Temporary-License-Facilities.aspx

Farmers Markets:

https://www.agriculture.pa.gov/consumer_protection/FoodSafety/Retail%20Food/Pages/Farmers-Markets.aspx

Sale of Eggs from Small Flock Producers:

https://www.agriculture.pa.gov/consumer_protection/FoodSafety/Retail%20Food/Retail%20Foods%20Facilities%20and%20Restaurants/Documents/Eggs%20From%20Small%20Flock%20Producers.pdf

Food Employee Certification Requirements:

https://www.agriculture.pa.gov/consumer_protection/FoodSafety/Retail%20Food/Pages/Food-Employee-Certification.aspx

Food Establishments:

“Establishments under this program would include, a **building**, or place or portion thereof, or **vehicle** maintained, used or operated for the purpose of **commercially storing, packaging, making, cooking, mixing, processing, bottling, baking, canning, freezing, packing or otherwise preparing or transporting or handling food.**”

https://www.agriculture.pa.gov/consumer_protection/FoodSafety/manufacturing-packing-holding-distribution/Pages/default.aspx

Limited Food Establishments:

“The Department will allow some 'limited' types of food processing to occur in a **'residential style kitchen'** that may not meet the full regulatory code requirements, with the intent of the producer to offer these products for sale to the public.” “Generally, the types of production that can occur in 'limited food establishments' . . . are **limited to foods that are not 'time and temperature controlled for safety' (TCS) foods (i.e., potentially hazardous foods, 'PHF').**”

https://www.agriculture.pa.gov/consumer_protection/FoodSafety/manufacturing-packing-holding-distribution/Pages/Limited-Food-Establishment.aspx