



SHORT TERM MERCHANT GUIDELINES

The Short-term Merchant application is required for any vendor offering food products at pre-approved locations, typically seasonally, such as farmer's market and retail food operations. Permits are valid for one year, and permit fee for vendors that do not fall under state law exemptions is \$100.00. Short-term merchants must apply no later than ten (10) business days prior to the first day of operation. Applications received within the ten (10) day requirement will be assessed a late fee of \$50.00. Vendors that are exempt from fees will be subject to review and allowable requirements to ensure food safety. **All food vendors are required to obtain a permit whether a fee is applicable or not.** This may include the following:

Cottage Vendors selling packaged products that do not require time and temperature control and that are made in a home kitchen. Items allowed include, but are not limited to; breads, cakes, fruit pies, cookies, candy, coated and uncoated nuts, jellies, jams, dehydrated fruit or vegetables, dried beans, popcorn, dry mixes, vinegar, pickles, mustard, roasted coffee or dry tea, dried herbs and dried herb mixtures, frozen uncut fruit or vegetables*, canned acidified plant-based foods, fermented vegetables, or pickled fruit or vegetables with a pH of 4.6 or less**. Product labels must include name and complete address of cottage production, major allergens, batch number (if applicable), and the following statement "*This food is made in a home kitchen and is not inspected by the Department of State Health Services or a local health department.*" [Texas Department of State Health Services - Cottage Food Production Operations](#)

- Batch Testing requirements:
 - (1) For each batch of pickled fruit or vegetables, fermented vegetable products, or plant-based acidified canned goods, a cottage food producer must:
 - (a) Label the batch with a unique number; and
 - (b) For a period of at least 12 months, keep a record that includes:
 - (i) The batch number;
 - (ii) The recipe used by the producer; and,
 - (iii) The source of the recipe (include book reference and page number) or testing results, as applicable; and the date the batch was prepared.
 - (iv) A copy of all must be maintained onsite.

* Requires Safe Handling Instructions on label and must be stored at a temperature maximum of 32°F.

** Requires approved recipe or laboratory testing. If recipe is not state approved, must submit laboratory test results or written proof of each batch test performed. Each batch must be tested with a calibrated pH meter to confirm the finished product has an equilibrium pH value of 4.6 or less.

Food Producer means a person who grew, raised, processed, prepared, manufactured, or otherwise added value to the food product the person is selling. The term does not include a person who only packaged or repackaged a food product.

- Producers that sell whole uncut produce, small honey producers, and temperature-controlled foods that were grown or produced on their farm (e.g., eggs, meat, etc.). A permit is not required to sell whole, intact unprocessed fruits and vegetables and pre-packaged non-potentially hazardous food/time temperature for safety foods.

Non-Profit Sales: If selling food under a non-profit organization, vendors must submit their nonprofit status from the Internal Revenue Service (IRS) with the permit application.

Retail Vendors selling food prepared onsite or in a commercial kitchen.

For additional information please refer to [Texas Department of State Health Services Frequently Asked Questions - Farmers' Markets](#)

Please contact Health & Food Safety at (972)292.5304 or e-mail to health@friscotexas.gov if you have any questions.



SHORT TERM MERCHANT GUIDELINES

Consumable hemp products (CHP): Vendors selling only packaged consumable hemp products are required to obtain a [DSHS Retail Hemp Registration](#). Vendors adding CBD to a food product onsite should obtain a [DSHS Consumable Hemp Product License](#) and a short-term merchant permit. DSHS Consumable Hemp Product License are non-transferable.

Dairy Cheese Products: Dairy cheese producers must be licensed by the Texas Milk and Dairy Unit. Dairy cheese must be made with pasteurized milk and held under refrigeration. The variety of cheeses listed on the table on the last page are exempt from date marking and those listed under 'Hard Cheeses' do not require refrigeration. Labeling Requirements for Dairy Products – [Texas Administrative Code 25 Chapter 217.81](#)

- Raw Milk Cheese: Must be a hard cheese made from cow's milk and aged for 60 days. The cheese producer would need to hold a "Non-Grade 'A' Dairy Product Manufacturer" License. Vendors must submit a copy of their "Non-Grade 'A' Dairy Product Manufacturer" License.
- Non-Dairy Cheese Products: Non-dairy cheese products (e.g. nut cheese or vegan cheese) must be stored in mechanical refrigeration.

Egg Products (Avian): An egg producer that sells only ungraded and unsized eggs from their own flock may be exempt from licensing from the Texas Department of Agriculture but must be permitted by the Department of State Health Services and meet specific labeling requirements (safe handling instructions; name and address of distributor or packer). The eggs must be stored in mechanical refrigeration that complies with requirements listed under ["Guidelines for Refrigerating TCS Foods"](#).

Eggs Sales in the State of Texas - [DSHS Guidance Doc 20. Non-Chicken Eggs](#)

Honey: A small honey producer in Texas must be the beekeeper and produce less than 2500 lbs. annually. Small honey producers may sell pure honey products or honeycomb. All products must be sold directly to the end consumer and must be labeled with the net weight, beekeeper's name and address, and statement "Bottled or packaged in a facility not inspected by the Texas Department of State Health Services".

A large honey production may sell pure honey products or honeycomb with a Texas Food Manufacturing License and approved labels.

Honey Sales in the State of Texas - [DSHS Guidance Doc. Selling Honey In Texas](#)

Meat Products: Producers must have their meat products processed under a Grant of Inspection either through Meat Safety Assurance (MSA - Intrastate Commerce) or the USDA (Intrastate / Interstate Commerce). Specific labeling requirements must also be met. (safe food handling, name and address of distributor or packer). All meat must be stored in a mechanical unit and maintained frozen. For questions regarding which species are subject to regulation, please contact the [MSA](#). See guidelines on page 3 under ["Guidelines for Selling Frozen Meat at the Farmers Market"](#).

Frequently Asked Questions (FAQ's) of Meat Sales in the State of Texas – [Meat Safety Assurance FAQ](#)

- Wholesale Jerky: If you plan to process (e.g. make jerky) any species subject to regulation by the Texas Meat and Poultry Inspection Act (e.g. Cattle, Sheep, Goats, Poultry, Domestic Rabbits, Swine (including feral swine)) for wholesale, a copy of the Grant of Inspection either through Meat Safety Assurance (MSA - Intrastate Commerce) or the USDA (Intrastate / Interstate Commerce) will be required to be submitted.
- Retail sale Jerky: If processing any of the above for retail sale, you must provide proof that the product comes from an approved source (manufacturer's license) or processed in a commercial kitchen by providing a copy of the facility's local health permit and commercial kitchen contract.
- Exemptions: There are Custom Exemptions and Poultry & Rabbit Exemptions. Meat products processed under a Custom Exemption cannot be sold at a Farmer's Market. Meat products processed under a Poultry & Rabbit Exemption must be labeled with the producer's name, address, and the term "Exempted P.L. 90-492". Must submit record of exemption.

Milk Products: Fluid milk, dry milk and milk products complying with Grade A standards shall be obtained pasteurized and from a facility that holds a Texas Milk and Dairy Grade "A" permit. All milk products must be labeled with a Grade "A" label. Must submit a copy of Grade "A" permit if intending to sell milk products. Raw milk is prohibited.



SHORT TERM MERCHANT GUIDELINES

Seafood: All approved fish and molluscan shellfish products must be maintained in a frozen state at all times. Approved fish includes alligator, frog, aquatic turtle, jellyfish, sea cucumber, and sea urchin and the roe of such animals. A person who sells fish must have it processed by a licensed and inspected retail establishment. The fish must be caught or raised by a person or entity that has a commercial fisherman's license from the Texas Parks and Wildlife Department (TPWD) or an aquaculture license from the Texas Department of Agriculture (TDA). Federal regulations for labeling fish in the United States require that the label must include the Country of Origin declaration and Method of Production designation.

- Country of Origin Labeling is a labeling law that provides information about the product's source. That way the retailers can always offer proper information to their customers.
- Method of Production statement specifies whether the fish product is wild-caught or farm-raised.

FDA Seafood Guidance Documents – [Guidance Documents and Regulatory Information](#)

Per USDA regulations, wholesale of Siluriformes fish are regulated as a meat product. If Siluriformes fish are intended to be sold wholesale, contact Frisco Health & Food Safety for more information.

Yard Eggs: The vendor must display a label on the packaging stating "ungraded" with safe handling instructions and the eggs must be stored in mechanical refrigeration that complies with requirements listed under ["Guidelines for Refrigerating TCS Foods"](#).

Yard Eggs Sales in the State of Texas - [DSHS Guidance Doc 09. Yard Egg Sales](#)

Whole Uncut Produce: Produce vendors that sample will not be charged a permit fee but must comply with requirements for sampling. Microgreens are considered whole uncut produce. Processing microgreens after harvest cut is considered a retail vendor and should be done at a permitted facility. Food contact surface used shall be smooth and easily cleanable. Shelling peas is considered processing of the produce and must be sold whole and intact; otherwise, must be kept under refrigeration.



SHORT TERM MERCHANT GUIDELINES

Guidelines for Refrigerating TCS Foods

1. All foods requiring refrigeration must be maintained at 41°F or below using mechanical refrigeration.
2. Foods requiring mechanical refrigeration held greater than 4 hours must be held in a unit that complies with standards that meet or exceed NSF.
3. Cold storage using ice only is prohibited. To ensure adequate cold hold temperatures, dry ice may be added to refrigeration units.

Guidelines for Selling Frozen Meat and Seafood

1. Only packaged and frozen; meat, seafood, and shellfish will be allowed. All products must come from an approved source.
2. All meat items must be stored and displayed in a mechanical unit. All mechanical units must be approved by the City of Frisco Health & Food Safety.
3. All labeling requirements must comply with guidelines in applicable section.
4. For meat: The processing plant must be USDA (Interstate / Intrastate) or MSA (Intrastate) inspected unless it has a small producer exemption.
5. A small meat producer must provide proof of exemption and comply with labeling requirements.
6. If the product is stored in a facility other than the processing plant, a copy of the latest health inspection, a copy of the approved facility's health permit by the local regulatory authority with agreement or contract, or a copy of the manufacturer / storage license shall be provided.

Requirements for Sampling or Preparing

Samples are defined as a bite size portion, not a full serving.

1. Retail food vendors can only sample the approved items listed on Health Placard.
2. Prohibited items include raw animal proteins.
3. Samples shall not be unattended or left uncovered and distributed in a sanitary manner.
4. Sampling in a sanitary manner includes personnel wearing approved hair restraint and using approved utensil and/or glove to avoid touching food with bare hand.
5. Requires temporary hand wash facility which includes water container with spigot, catch bucket, soap, disposable towels and trash container within booth for immediate use.
6. Vendors sampling produce must have potable water for washing produce prior to cutting.
7. All samples must be discarded within 2 hours of cutting or preparing.
8. Utensils and cutting surfaces used for cutting samples must be smooth, nonabsorbent, and easily cleaned. If disposable utensils are not used, a 3-compartment sink set-up is required.
9. Regulatory authority may revoke the right to sample at any time if it is determined and/or observed that sampling is not being done correctly or to minimize public health risk.
10. Cooking Demonstrations shall provide bite-sized samples, and samples must be discarded within 2 hours of preparation.

Requirements for performing a cooking demonstration

1. Requires a person with a certified food manager's license supervising the demonstration.
2. Cooking demonstrations conducted by a farmers' market for a "bona fide educational purposes are exempt from permit fees. A bona fide educational purpose means the cooking demonstration made in good faith or made with earnest intent to instruct and educate.
3. Cooking demonstrations may provide samples (see requirements for sampling or preparing above). Samples must be disposed of within 2 hours of preparation.

The above requirements are in compliance with Texas Administrative Code Title 25, Part 1, Chapter 437, Section 229.701-704 (Farmers Markets) and Section 229.661 (Cottage Food) in addition to local Health Ordinance.



SHORT TERM MERCHANT GUIDELINES

| List of Hard Cheeses Exempt from Date Marking | List of Semi-Soft Cheeses Exempt from Date Marking |
|---|--|
| Asadero | Asiago soft |
| Abertam | Battelmatt |
| Appenzeller | Bellelay (blue veined) |
| Asiago medium or old | Blue |
| Bra | Brick |
| Cheddar | Camosum |
| Christalinna | Chantelle |
| Colby | Edam |
| Cotija Anejo | Fontina |
| Cotija | Gorgonzola (blue veined) |
| Coon | Gouda |
| Derby | Havarti |
| Emmentaler | Konigskase |
| English Dairy | Limburger |
| Gex (blue veined) | Milano |
| Gloucester | Manchego |
| Gjetost | Monterey |
| Gruyere | Muenster |
| Herve | Oka |
| Lapland | Port du Salut |
| Lorraine | Provolone |
| Oaxaca | Queso de Bola |
| Parmesan | Queso de la Tierra |
| Pecorino | Robbiole |
| Queso Anejo | Roquefort (blue veined) |
| Queso Chihuahua | Samsoe |
| Queso de Prensa | Tilsiter |
| Romanello | Trappist |
| Romano | |
| Reggiano | |
| Sapsago | |
| Sassenage (blue veined) | |
| Stilton (blue veined) | |
| Swiss | |
| Tignard (blue veined) | |
| Vize | |
| Wensleydale (blue veined) | |

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