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CHILD NUTRITION

**OKLAHOMA
STATE
HEALTH
DEPARTMENT**

**CONSUMER
HEALTH
SERVICE**

MEMORANDUM

TO: Dee Baker,
Executive Director of Child Nutrition
Oklahoma Department of Education
2500 N. Lincoln Blvd., Room 310
Oklahoma City, OK 73105 - 4591

FROM: Ted Evans, Chief *JE by John Kutty*
Consumer Health Service
Oklahoma State Department of Health

DATE: June 26, 2006

RE: Fruits and Vegetables

The following is a response to your question: "Can School Districts in the State of Oklahoma buy fruits and vegetables from the producing farmer, even if the producing farmer does not possess a current license to sell food from the Oklahoma State Department of Health?" The answer is yes. The Oklahoma State Department of Health has exempted Oklahoma farmers who grow and sell unprocessed fruits and vegetables from licensure if they meet the following criteria.

GUIDELINES FOR FARMERS SELLING PRODUCE AND FARMERS MARKETS

- (A) Farmers and growers in Oklahoma may sell unprocessed fruits and vegetables without a license from the Oklahoma State Department of Health under the following conditions:

1. The unprocessed fruits and vegetables must have been grown by the seller. The grower can sell only his/her own products.
2. The products must be whole, unprocessed fruits and vegetables.
3. The products can be sold from a roadside stand, truck, or from a farmers market, or other location that would meet minimum standards for the sale of unprocessed food products.
4. Products must be protected from contamination from outside sources such as stagnant water, mishandling, etc. Products should not be stored in contact with the ground or floor, or in dirty or contaminated containers. Spoiled or decomposing fruit and vegetables must be separated from fresh products and disposed of in proper trash containers.
5. Washing and cleaning of unprocessed fruits and vegetables must be done in a manner consistent with Good Manufacturing Practices and with a potable water supply meeting the requirements of the Oklahoma State Department of Health. Wastewater from the cleaning of unprocessed fruits and vegetables must be disposed of in a manner that does not create a nuisance or public health hazard.

(B) A license from the Oklahoma State Department of Health will be required in the following instances:

1. The grower or farmer sells unprocessed fruits and vegetables, which he/she has purchased or consigned, from another grower or other source (public market, etc) or any other products that have not grown by him/her.
2. The grower also sells processed products such as cider, jelly, breads or any other manufactured or processed food products other than whole, unprocessed fruits and vegetables as stated above. All processed or manufactured products must come from a licensed facility meeting the requirements of the Good Manufacturing Practice Regulations.

I hope that his information will help you with your project. If I can be of further assistance, please call or e-mail me at (405) 271-5243 or Tede@health.ok.gov.

TE:vk