

## Farmers' Market Schedule

**Notification of date of EACH Farmers' Market we intend to sell wine, spirits or malt liquor should be supplied on separate Schedule forms.**

**The notification must be received by the Division 30 days prior to the first event for each Farmers' Market.**

License #:	Name of Farmers' Market:
Business Name (D/B/A):	
	Address of Farmers' Market:
Email / Fax/ Mailing Address to send Approval:	
Signature:	Date:

**PLEASE CHECK  ALL THAT APPLY FOR THAT GIVEN DATE**

	DATE	RETAIL SALES ONLY?	TASTING? (2 PER MONTH)		DATE	RETAIL SALES ONLY?	TASTING? (2 PER MONTH)
1				16			
2				17			
3				18			
4				19			
5				20			
6				21			
7				22			
8				23			
9				24			
10				25			
11				26			
12				27			
13				28			
14				29			
15				30			

**For Office Use Only:**

Date Filed: \_\_\_\_\_

Approved       Not Approved

Date Approved: \_\_\_\_\_

Approved By: \_\_\_\_\_

# Farmers' Market Participants Law

## **§1366. RETAIL SALES AT FARMERS' MARKET**

**1. Retail sales at farmers' market.** A licensee under section 1355-A, subsection 3, paragraph B; subsection 4, paragraph B; subsection 5, paragraph B or an employee of the licensee who is at least 21 years of age may sell wine, spirits or malt liquor manufactured in the State by the licensee at a farmers' market pursuant to this section.

[ 2017, c. 168, §1 (AMD) .]

**2. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Farmer" means a natural person who sells, with or without processing, agricultural products raised by the person on land in the State owned or leased by the person. [2011, c. 280, §3 (NEW) .]

B. "Farmers' market" has the same meaning as in Title 7, section 415, subsection 1, paragraph B. [2011, c. 280, §3 (NEW) .]

[ 2011, c. 280, §3 (NEW) .]

**3. Conditions.** A licensee under subsection 1 may sell wine, spirits or malt liquor at a farmers' market under the following conditions:

A. The licensee shall apply for and must have received authorization to sell at farmers' markets from the bureau and paid an annual fee of \$75. The application pursuant to this paragraph must be in a form determined by the bureau. The licensee shall submit the application at least 30 days prior to the date when wine, spirits or malt liquor is to be sold at a farmers' market; [2017, c. 168, §2 (AMD) .]

B. Prior to each month during which the licensee wishes to sell or conduct a taste testing at a farmers' market, the licensee shall provide to the bureau a list of the date, time and location of each farmers' market at which the licensee intends to sell or conduct a taste testing and must receive approval from the bureau for that month; [2017, c. 168, §2 (AMD) .]

B-1. The licensee shall keep and maintain a record of the dates, times and locations of the licensee's participation in a farmers' market under this section; [2017, c. 168, §2 (NEW) .]

C. The farmers' market must consist of at least 6 separate stalls or booths that sell farm or food products, not including liquor, and must be authorized by the bureau under subsection 4; [2017, c. 168, §2 (AMD) .]

D. The stall or booth operated by the licensee at the farmers' market is considered part of the licensed premises of the licensee for purposes of this chapter; [2011, c. 280, §3 (NEW) .]

E. All wine, spirits and malt liquor must be prepackaged and sold by the bottle or case; [2017, c. 1, §19 (COR) .]

F. Taste testing of wine, spirits and malt liquor may be conducted in accordance with section 1367; and [2017, c. 1, §19 (COR) .]

G. Spirits sold in accordance with this subsection are subject to the listing, pricing and distribution provisions of this Title. The holder of a small distillery license may provide spirits for sale at a farmers' market in the same manner as permitted under section 1355-A, subsection 5, paragraph G. [2017, c. 168, §2 (NEW) .]

[ 2017, c. 1, §19 (COR) .]

## Farmers' Market Laws

**4. Farmers' market authorization.** At least 30 days prior to the sale of wine, spirits or malt liquor, a farmers' market must obtain municipal approval to sell wine, spirits and malt liquor under this section and apply for and receive authorization from the bureau for a license authorized under subsection 3, paragraph A to sell wine, spirits or malt liquor at the farmers' market. If the farmers' market is held on private property, the application must include a written statement signed by the owner of the property permitting the sale of wine, spirits or malt liquor in accordance with this section. The bureau may request a diagram of the layout of the farmers' market. An application required by this subsection must be in a form determined by the bureau.

[ 2017, c. 168, §3 (AMD) .]

**5. Rules.** The bureau may adopt rules to carry out the purposes of this section. Rules adopted pursuant to this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

[ 2011, c. 280, §3 (NEW) .]

### SECTION HISTORY

2011, c. 280, §3 (NEW). 2011, c. 629, §24 (AMD). RR 2017, c. 1, §19 (COR). 2017, c. 168, §§1-3 (AMD).

## Farmers' Market Tasting Laws

### **§1367. TASTINGS AT FARMERS' MARKETS**

**1. Taste testing.** Subject to the conditions set forth in this section and the applicable bylaws of the farmers' market, a brewery, small brewery, winery, small winery, distillery or small distillery licensed under section 1355-A may conduct taste-testing events at a farmers' market. For purposes of this section, "farmers' market" has the meaning as in Title 7, section 415, subsection 1, paragraph A. **A farmers' market may allow up to 2 dates per month on which a licensee described in this subsection may conduct a taste-testing event.**

[ 2017, c. 168, §4 (NEW) .]

**2. Conditions on taste-testing activities.** The following conditions apply to taste-testing activities allowed under this section.

A. An individual at a taste-testing activity may not be charged a fee. [2017, c. 168, §4 (NEW) .]

B. An individual at a taste-testing activity may not be served a taste-testing sample of more than 4 ounces of malt liquor, 1 1/2 ounces of wine or 1/2 ounce of spirits. An individual is limited to 6 samples per day per manufacturer licensed under section 1355-A. [2017, c. 1, §20 (COR) .]

C. Malt liquor, wine or spirits for taste testing may not be poured in advance and made available for individuals participating in the taste testing to serve themselves. [2017, c. 1, §20 (COR) .]

D. An individual at a taste-testing activity who is visibly intoxicated may not be served malt liquor, wine or spirits. [2017, c. 168, §4 (NEW) .]

E. Taste-testing activities must be conducted within the hours of retail sales established in this Title. [2017, c. 168, §4 (NEW) .]

F. Taste-testing activities are not allowed in any municipality where on-premises and off-premises sales are not allowed pursuant to chapter 5. [2017, c. 168, §4 (NEW) .]

G. A licensee under section 1355-A conducting a taste-testing activity at a farmers' market must keep a record of when and where the activity took place. [2017, c. 168, §4 (NEW) .]

H. A licensee may provide for taste testing only liquor that is manufactured by the licensee in accordance with section 1355-A. [2017, c. 168, §4 (NEW) .]

[ 2017, c. 1, §20 (COR) .]

#### SECTION HISTORY

RR 2017, c. 1, §20 (COR). 2017, c. 168, §4 (NEW) .