



Hays County Development Services

2171 Yarrington Rd, Suite 100, Kyle Texas 78640

(P) 512-393-2150 (Email) foodpermits@co.hays.tx.us

Competition & Sampling Guidance: See back for an example of a food booth layout

Requirements for distributing food or beverage samples without a permit

TX Health and Safety Code, Chapter 437.020 outlines the regulation of samples at a farmers' market. Hays County has adopted the samples guidance for farmers' markets for use at food events.

- Distribute the samples in a sanitary manner;
- Have potable water available;
- Wash any produce intended for sampling with potable water to remove any visible dirt or contamination;
- When preparing the samples, either wear clean, disposable plastic gloves and observe proper hand washing techniques immediately before preparation;
- Use smooth, nonabsorbent, and easily cleaned (i.e. metal or plastic) utensils and cutting surfaces for cutting samples, or use disposable utensils and cutting surfaces; and
- Samples of cut produce and other potentially hazardous foods shall be maintained at a temperature of 41°F or below and discarded within two hours after cutting or preparation.

Per HSC 437.020(b-1), the regulatory authority **may not** require a permit to require samples at a farmers' market. Hays County Development Services will not require a permit for sampling as long as this guidance is followed.

What is a sample?

A sample is defined as a bite size portion, not a full serving.

Hand washing station required

A hands free continuous flow hand washing station with soap, paper towels, and a wastewater collection bucket must be hauled off and disposed of properly in a sanitary sewer.

Ware washing sanitation station.

Food, utensils and single service articles shall be protected from contamination during storage, preparation, display, and service. Utensils, including ice scoops, shall be provided to minimize handling of foods. Food contact surfaces shall be easily cleanable and washed, rinsed, and sanitized as necessary using three suitably sized basins as follows: wash with warm soapy water, rinse in clean water and sanitize with 50 ppm chlorine or 200 ppm quaternary ammonia. Single-service articles must be provided for use by the consumers. Surface and ware washing sanitizers must be EPA approved, safe for food contact surfaces, and no rinse required (scented, splash-less and laundry bleach are **not** allowed). Spray cleaners must be approved for use and have the same requirements. Ensure there are sanitizer test strips on site as well.

Wastewater disposal

Wastewater disposal is usually not provided at events. Wastewater cannot be dumped on the ground, in bushes, on trees, down storm drains, or in portable toilets. Wastewater must be hauled off in sealed buckets (recommend multiple 5-gallon buckets with lids).

Booth set up and construction

Booths must have overhead and underfoot cover with a designated hand wash set up. Subflooring shall be provided and if possible graded to drain, and dust shall be controlled. Floors shall be constructed of concrete, asphalt, dirt, or gravel if covered with mats, removable platforms or other suitable nonabsorbent materials, such as but not limited to tarps. Overhead protection above food preparation areas shall be constructed of wood, canvas, or other materials to protect against the weather. Pests (flies, roaches, or rodents) shall be controlled. Doors, walls, screening, and other measures may be required when necessary to restrict the entrance of flying insects.



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Temporary Food Establishment & Farmer’s Market & Yard Egg Vendor Guide

The following items are required when operating your vendor booth. Items include, but are not limited to, obtaining a permit from Hays County Development Services, use of approved food storage containers, no bare hand contact, approved water source/containers, proper cooking and holding temperatures, approved handwashing station (if applicable), approved chemicals for sanitizing equipment and surfaces, and all food handlers in good health. Without these items in place, you may be asked to cease operations; refusal may result in additional action. Ill employees must not make or serve foods. Walls are required if there are windy or rainy conditions. Vendors must follow Food Code requirements when serving or selling foods.

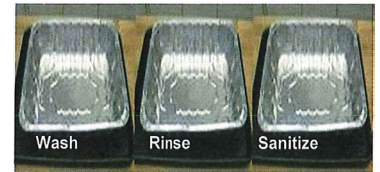
Food Must be From an Approved Source

- Prepared on-site or purchased from a permitted kitchen or grocery store.
- Homemade food must follow the Texas Cottage Food Law.



Booths Must Have an Approved Handwashing Station

- Station must have soap, towels, water container and an approved free flow water spigot/spout to provide **continuous water flow**.
- No “Push button spigots/spouts” allowed.
- A watertight bucket or container to catch wastewater.



Booths Must Have an Approved Dishwashing Station

- 3 basins or sink compartments are required. Must be used from LEFT to RIGHT.
- First basin/sink compartment (left-most) for washing. Must have dishwashing soap.
- Second basin/sink compartment (middle) for rinsing. Must have clean water.
- Third basin/sink compartment (right-most) for sanitizing. A mixture of water and bleach (50 parts per million minimum – 100 parts per million maximum chlorine bleach). No scented, splashless, or laundry bleach allowed.

Proper Food Temperatures

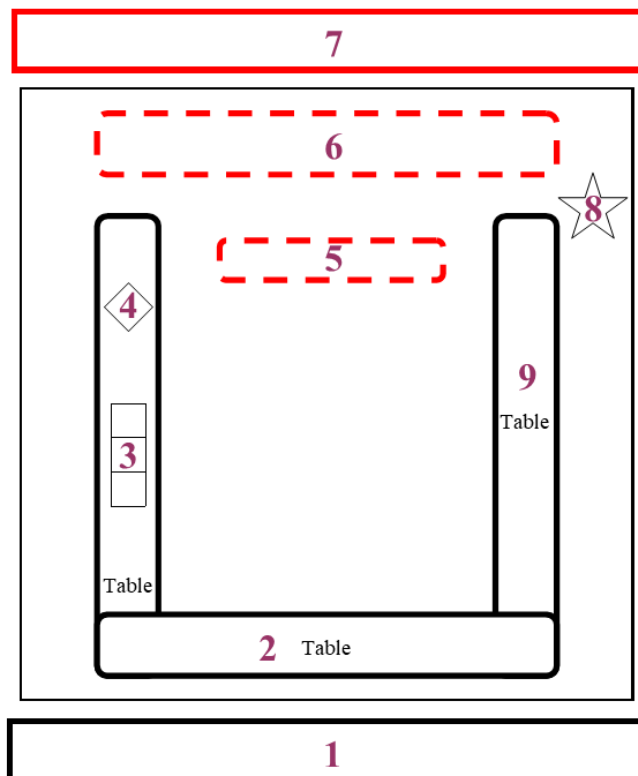
- Cooking – Raw Chicken - 165° F or more | Raw Hamburger Meat - 155° F or more | Raw Pork & Whole Beef - 145° F or more.
- Hot-Holding – Electric or Grill - 135° F or greater
- Cold-Holding – 41° F or less when packed in ice up to the rim of container or refrigerated at 41° F or less.
- Reheating – Food Prepared in a permitted kitchen must be reheated to 165° F or greater. Manufactured prepared food must be reheated to 135° F or greater or per manufacturer’s instructions for hot holding (hot dogs, queso, etc.).

Overhead & Ground Coverings & Other Items

- Unless insects and rodents are absent, outer openings shall be protected by screens or other effective means.
- Examples include tarps, tents, plywood, cardboard, etc.
- Thermometers are required (0° F - 165° F).
- Approved wastewater disposal. Cannot be dumped on ground, down storm drains, or in toilets.
- Food Handler Certification or Food Managers Certification.
- Sanitizer bucket, cloth, and sanitizer test strips.

Sample Booth Layout

1. Customer / Public Area
2. Front Counter / Display & Serving Area
3. 3-Compartment Sink for Dishwashing (Wash / Rinse / Sanitize)
4. Handwashing Station (location optional) and bucket with lid to remove waste water
5. Food Prep / Cooking / Cold & Hot Hold Table
6. Food Prep / Cooking / Cold & Hot Hold Table
7. BBQ Pit / Grill Area – No Public Access
8. Fire Extinguisher (location optional)
9. Food Prep / Cooking / Cold & Hot Hold Table
10. Covered trash can



Over Head protection and Ground Cover are Required.

Public Access is Prohibited Around Food Prep, Cooking & Food Holding Areas