

WHAT YOU NEED TO LEGALLY DO BUSINESS IN THE STATE OF MARYLAND AS A VENDOR IN THE AMERICAN MARKET

It is the goal of National Harbor for American Market vendors to have a positive experience and be successful. Our objective is to share this information in an effort to assist and guide you. The American Market is a growers or manufacturers only market.

The following requirements are set forth by the State of Maryland.

Whether your business is located in Maryland or outside of Maryland you must have the following to participate as a vendor at the American Market at National Harbor:

- 1. A copy of your Business Registration from the state in which your business resides in** (example: Trader's license, LLC documents, Articles of Incorporation, etc)
- 2. A copy of your Maryland State Sales and Use Tax Identification Number** (*except farms (growers) who only sell produce*) **OR a Temporary Tax License** (for non-Maryland based businesses)
- 3. Complete and display an Exhibitor's Affidavit at your booth** (we will provide the document to you)
- 4. Prince George's County Health Department Farmer's Market Vendor Special Food Service Facility Permit** (for food vendors only)
- 5. For Maryland Wineries** we will need to have a copy of the following additional documents:
 - **Class 4 Liquor License**
 - **Special Event Permit**

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STEP 1: BUSINESS REGISTRATION

All businesses must be registered with the state in which their business resides to legally participate in the American Market at National Harbor. Maryland based AND non-Maryland based Sole proprietors both need to register.

If your business is already registered in the state in which your business resides then you will just need to provide us with documentation to prove your business is registered.

We accept the following documents as proof that your business is registered: Trader's license, LLC documents, Articles of Incorporation, etc.

For Maryland Businesses: If you have not yet registered your business please follow the instructions below to do so.

Sole Proprietors and Individuals

1. Download, print and complete the Maryland Unincorporated ID Form to obtain an ID number.
http://www.dat.state.md.us/sdatweb/pp_AT3-73.pdf

If you will use any other name than your own name to conduct business:
(ex: Sue's Cookies)

2. Download, print and complete the following application to apply for a Maryland Trade name:
<http://www.dat.state.md.us/sdatweb/nameappl.pdf>

3. Hand deliver, mail or fax for filing with the following office:

State Department of Assessments and Taxation
Charter Division
301 W. Preston Street; 8th Floor
Baltimore, MD 21201-2395
Office: 410-767-4950
Fax: 410-333-7097

*See filing fee and processing time information below

Limited Partnerships

1. Download, print and complete the following application:
<http://www.dat.state.md.us/sdatweb/appl.pdf>

2. Hand deliver, mail or fax for filing with the following office:

State Department of Assessments and Taxation
Charter Division
301 W. Preston Street; 8th Floor
Baltimore, MD 21201-2395
Office: 410-767-4950

*See filing fee and processing time information below

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Limited Liability Partnerships

1. Download, print and complete the following application:
<http://www.dat.state.md.us/sdatweb/llp-foreign.pdf>
2. Hand deliver, mail or fax for filing with the following office:

State Department of Assessments and Taxation
Charter Division
301 W. Preston Street; 8th Floor
Baltimore, MD 21201-2395
Office: 410-767-4950

*See filing fee and processing time information below

Limited Liability Companies

1. Download, print and complete the following application:
<http://www.dat.state.md.us/sdatweb/llc-foreign.PDF>
2. Hand deliver, mail, or fax for filing with the following office:

State Department of Assessments and Taxation
Charter Division
301 W. Preston Street; 8th Floor
Baltimore, MD 21201-2395
Office: 410-767-4950

*See filing fee and processing time information below

Corporations

1. Download, print and complete the following application:
<http://www.dat.state.md.us/sdatweb/forcp.pdf>
2. Hand deliver, mail, or fax for filing with the following office:

State Department of Assessments and Taxation
Charter Division
301 W. Preston Street; 8th Floor
Baltimore, MD 21201-2395
Office: 410-767-4950

*See filing fee and processing time information below

***Filing fees:**

Filing fees for registering business can be found on:

<http://www.dat.state.md.us/sdatweb/fees.html>

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***Processing Information:**

Regular processing will take 6-8 weeks.

Mailed or faxed Expedited requests will be processed within 5-7 business days (an extra fee of \$50.00 is required) Faxed filings must be paid by Visa or Mastercard only.

Same day service is available for hand deliveries ONLY (with an additional expedited filing fee). Same day service must be paid by check or cash.

You must use the following fax cover sheet for Expedited filings.

<http://www.dat.state.md.us/sdatweb/charterfax.pdf>

*Please ensure that you obtain confirmation of the filing.

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STEP 2: MARYLAND STATE SALES AND USE TAX LICENSE

All retail vendors, **except farms (growers) who only sell produce**, are required to obtain a Maryland State Sales and Use Tax License and collect the Maryland sales and use tax. To obtain the license, complete the Combined Registration Application listed below.

Maryland Based Businesses and Individuals

- For Maryland based businesses there is no fee associated with obtaining this license.
- To complete the application on-line please follow the link below:
 - <https://interactive.marylandtaxes.com/webapps/comptrollercra/entrance.asp>
 - Click the “Begin Registration” button at the bottom of the page

Non-Maryland Based Businesses and Individuals

- For non-Maryland based businesses, a 30 day temporary tax license can be obtained by calling the Comptroller of Maryland Office at **#410-767-1540**. There is no fee for obtaining this license.

General information can also be found at:

Comptroller of Maryland
Revenue Administration Center
Annapolis, Maryland 21411-0001
Office: 301/952-2814
Temporary license: 410-767-1540
www.marylandtaxes.com

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STEP 3a: Complete an Exhibitor's Affidavit

3A: All vendors need to complete an **EXHIBITOR'S AFFIDAVIT** and display it in your booth at all times.

Copies of the Maryland Comptroller's Exhibitor's Affidavit form are available upon request from the National Harbor Management Office or by contacting the Maryland Comptroller's office directly at #301-952-2814.

Once the American Market is completed you need to return the original Exhibitor's Affidavit to the promoter, National Harbor.

National Harbor Management Office
137 National Plaza Ste 300
National Harbor, MD 20645
Phone #301-203-4170 Fax #301-749-7144.

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STEP 4: Prince George's County Health Department Farmer's Market Vendor Special Food Service Facility Permit

To sell foods other than farm product in Prince George's County you must obtain a Prince George's County Health Department Farmer's Market Vendor Special Food Service Facility Permit. The application fee for the permit is \$175.00 and is non-refundable. Send the application fee to the address below, in the form of a check or money order made payable to: "Prince George's County Health Department."

Provide a copy of:

- a letter from the Farmer's Market Manager stating you are allowed to sell food at that market.
- a copy of the Use and Occupancy Permit of the Farmer's Market.

Incomplete applications will be returned for corrections/completion and will delay issuance of permit.

Permits must be issued prior to preparation or sale of food.

OPERATING WITHOUT A HEALTH DEPARTMENT PERMIT IS SUBJECT TO A \$300.00 FINE.

The permit can be downloaded by going to:

http://www.princegeorgescountymd.gov/Government/AgencyIndex/Health/pdf/EH-FP-003d_Frmrs%20Mkt%20Sp%20FSF_7%2008.pdf

For additional information please contact:

Prince George's County Health Department
Environmental Health
Largo Government Center
Food Protection Program staff
9201 Basil Court, Suite 318
Largo, MD 20774-5310
Office: 301/883.7690
Fax: 301/883.5025
FoodProtectionProgram@co.pg.md.us

An on-farm 'food processing plant license' can be obtained at the:

Department of Health and Mental Hygiene
201 West Preston Street
Baltimore, Maryland 21201
Division of Food Control at 410-767-8400

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STEP 5: WINERY REQUIREMENTS

The Comptroller of Maryland requires that wineries obtain a Special Event Permit to be able to sell wine at the American Market. In order to apply for the permit you must be a Class 4 licensed winery. The permit cost is nominal, \$25.00; however, the permit must be applied for at least 15 days prior to the event. Per the Code, a Class 4 limited winery is allowed 12 events per calendar year and 3 in the same political subdivision. To that end, you would be allowed 3 events in Prince George's County per year.

The Special Event Permit can be obtained by contacting:

Alcohol & Tobacco Tax Bureau

Phone: (410) 260-7314

Fax: (410) 974-3201

Email: att@comp.state.md.us

Mailing Address:

Comptroller of Maryland
MATT Regulatory Division
Alcohol and Tobacco Tax Office
80 Calvert Street, Room 310
Annapolis, Maryland 21401

Additionally, wineries will be able to provide samples of up to 1 fl. oz. to the public but can only sell up to 4 bottles of wine per customer.

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Maryland State Health Regulations
Related to Farm Products Sales at Farmers' Markets and Farm Stands
and On-Farm Processing
<http://www.mda.state.md.us/pdf/mdhealthregs.pdf>

The Maryland Department of Health and Mental Hygiene (DHMH), Division of Food Control is responsible for assuring that all foods processed, prepared, stored, distributed, and served at both the retail and wholesale levels throughout the State are safe, wholesome, free of adulterants, and properly packaged and labeled. For more about Farmers' Markets and On-Farm Processing, see "Information for Farmers and the Farming Community" at <http://www.cha.state.md.us/ofpchs/html/onfarm.html>. Additional topics can also be found at <http://www.cha.state.md.us/ofpchs/fc/index.html>.

The Code of Maryland Regulations (COMAR) includes DHMH regulations relating to food. See

www.dsd.state.md.us/comar/subtitle_chapters/10_chapters.htm. Select the appropriate chapter under Subtitle 15, Food. Any questions about these regulations should be directed to the **Maryland Department of Health and Mental Hygiene (DHMH) Division of Food Control at 410-767-8400.**

COMAR 10.15.03 Food Service Facilities and 10.15.04 Food and Drink Processing and Transportation : In general, DHMH sets standards; in some situations (such as food sales), individual counties may set more stringent standards.

COMAR 10.15.04.19 On-Farm Home Processing: DHMH may issue a food processing plant license to an individual who owns a farm to process food in a home or domestic kitchen located on the individual's farm as set forth in this regulation. The regulation specifies what products can be made, and limits the amount of food to that which can safely be produced in the domestic kitchen as evidenced by sanitation and process and cross-contamination control. Licensing under this regulation requires certain training, approval of a plan for processing, and inspection of the facility by DHMH. In some cases, this regulation may also permit the sale on the farm of food processed on the farm by the licensee.

County health departments are responsible for certain aspects of food sales. Information on the following pages outlines key county data related to sales on farms and at farmers' markets. The information was provided primarily by county health departments in response to a survey compiled by the Maryland Department of Agriculture (MDA) in 2005. Data is still pending from some counties, and will be added when available. For additional information, contact your county health department. A list of these departments can be found at <http://www.cha.state.md.us/html/local2.html#aa>.

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Guidelines for compliance with COMAR 10.15.04 Food Processing and Transportation
On-Farm Home Processing: Foods and definitions

http://www.cha.state.md.us/ofpchs/pdf/FARM_foods_definitions.pdf

Examples of Foods that *Might Be Allowed* to be Farm-Processed:

- Breads and Pastries without potentially hazardous toppings or fillings:
 - o Pies, turnovers, fruit tarts from the fruits listed below
 - o Baked breads, biscuits, cakes, cookies, and muffins

- Acid canned acid foods such as:
 - o Fruit jelly, jam, and preserves from the fruits listed below
 - o Fruit butter from apple, apricot, grape, peach, plum, prune, quince

- Fruits with a natural pH of 4.6 or less:

| | |
|---------------|----------------|
| o Apple | o Orange |
| o Apricot | o Peach |
| o Blackberry | o Plum |
| o Blueberry | o Quince |
| o Boysenberry | o Raspberry |
| o Cherry | o Red currants |
| o Cranberry | o Strawberry |
| o Grape | o Tangerine |
| o Nectarine | |

- Toppings, glazes, icings, or fillings that may be stored without temperature control prior to use in other products
- Finfish processed from the home farm only, excluding the processing of fish associated with histamine intoxication, such as tuna, mackerel, and mahi mahi
- Meat, such as beef, lamb, and pork, processed from the home farm only, where the animals are raised commercially and then slaughtered and chilled at a USDA inspected and regulated plant
- Dried fruits and vegetables
- Honey
- Peanut butter

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Examples of Foods that *Would Not Be Allowed* to be Farm-Processed:

- * Foods that have a natural pH above 4.6:
 - o Artichokes
 - o Asparagus
 - o Beans (lima, string, kidney, Boston style, soy, waxed)
 - o Beets
 - o Broccoli
 - o Brussels sprouts
 - o Cabbage
 - o Carrots, cauliflower, horseradish
 - o Sweet corn
 - o Cucumber
 - o Eggplant
 - o Figs
 - o Garlic
 - o Horseradish
 - o Mushrooms
 - o Onions
 - o Peas
 - o Most peppers
 - o Potatoes
 - o Pumpkin
 - o Squash
 - o Spinach
 - o Turnips
 - o Vegetable soups
 - o Zucchini
- * Tomatoes and tomato products, such as salsa

** These foods are not allowed unless they are a variety with a pH of 4.6 or below or are acidified to a pH of 4.6 or below during processing. Additional training and licensure are required for acidification.*

- Pumpkin, banana, or pear butters
- Foods that require refrigeration for safety such as fresh salsa and pesto
- Cheese, ice cream, and yogurt
- Apple cider and fruit juices
- Tuna, mackerel, mahi mahi
- Specialty breads such as foccacia, or pastries containing fresh, canned, frozen or re-hydrated vegetables or soft cheeses added prior to baking
- Pastries filled or topped with potentially hazardous foods
- Pies made from pumpkin, custard, sweet potato, meringue
- Cheesecake or bakery products filled or topped with cream, crème, custard, or cheese after baking
- Cured foods such as country ham, bacon, corned beef, pastrami, salted and smoked fish (sable, salmon, shad, chub, and tuna)
- Fermented foods such as sauerkraut and certain pickles
- Rehydrated spices in oil

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Definitions of Terms for Farm Processing

Acid foods are foods that have a natural pH of 4.6 or below.

Acidified foods are low-acid foods to which acids or acid foods are added to achieve a finished equilibrium pH of 4.6 or below.

Low-acid foods are any foods, other than alcoholic beverages, with a finished equilibrium pH greater than 4.6 and a water activity (aw) greater than 0.85. Low-acid foods do not include tomatoes and tomato products having a finished equilibrium pH less than 4.7.

pH is the symbol for the negative logarithm of the hydrogen ion concentration which is the degree of acidity or alkalinity of a food. Values from 0 to 7 indicate acidity, and values above 7 up to 14 indicate alkalinity. The value for pure distilled water, regarded as neutral, is 7.

Potentially hazardous foods are natural or synthetic foods that require temperature control because the food is in a form capable of supporting:

- (a) The rapid and progressive growth of infectious or toxigenic microorganisms;
- (b) The growth and toxin production of *Clostridium botulinum*; or
- (c) In raw shell eggs, the growth of *Salmonella Enteritidis*.

Potentially hazardous foods are not foods with a:

- (a) Water activity (aw) value of 0.85 or less;
- (b) pH level of 4.6 or below when measured at 75°F; or
- (c) Commercially sterile food in a hermetically sealed container.

Water activity (a_w) is the water in food that is not bound to food molecules so it can support the growth of bacteria, yeasts and molds.

Interesting Web Site Links:

<http://www.cfsan.fda.gov/~comm/lacf-phs.html>

<http://vm.cfsan.fda.gov/~mow/intro.html>

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