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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. **1559**

03/14/2013 Authored by Newberger, Urdahl, Howe, Kahn and Drazkowski
The bill was read for the first time and referred to the Committee on Agriculture Policy

1.1 A bill for an act
1.2 relating to agriculture; modifying certain exemptions from food handler licensing
1.3 requirements; amending Minnesota Statutes 2012, section 28A.15, subdivisions
1.4 9, 10.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2012, section 28A.15, subdivision 9, is amended to read:

1.7 Subd. 9. **Community event or farmers' market; cottage foods.** ~~An individual~~

1.8 (a) A person who prepares and sells food, including but not limited to baked goods, that

1.9 is not potentially hazardous food, as defined in rules adopted under section 31.11, at the

1.10 person's residence, a roadside stand, a community or social event, or farmers' market with

1.11 gross receipts of \$5,000 \$50,000 or less in a calendar year from the prepared food items.

1.12 If the food is not prepared in a kitchen that is licensed or inspected, the seller must post

1.13 a visible sign or placard stating that: "These products are homemade and not subject to

1.14 state inspection." Prepared foods sold under this subdivision must be labeled to accurately

1.15 reflect the name and address of the person preparing and selling the foods. Except as

1.16 provided in subdivision 10, paragraph (b), a person selling food under this subdivision

1.17 or subdivision 10 must comply with all applicable requirements under chapter 31 and

1.18 maintain sales records. All sales records and labels must be available to food inspectors of

1.19 the Department of Agriculture upon request.

1.20 (b) For the purposes of this subdivision, the term "baked goods" means cookies,

1.21 cakes, breads, danish, doughnuts, pastries, pies, and other similar items prepared to be

1.22 baked in an oven. Baked goods does not include potentially hazardous food as defined in

1.23 rules adopted under section 31.11.

2.1 Sec. 2. Minnesota Statutes 2012, section 28A.15, subdivision 10, is amended to read:

2.2 Subd. 10. **Certain home-processed and home-canned foods.** (a) A person who
2.3 receives less than ~~\$5,000~~ \$50,000 in gross receipts in a calendar year from the sale of
2.4 home-processed and home-canned food products and meets the requirements in clauses
2.5 (1) to (5):

2.6 (1) the products are pickles, vegetables, or fruits having an equilibrium pH value of
2.7 4.6 or lower;

2.8 (2) the products are home-processed and home-canned in Minnesota;

2.9 (3) the products are sold or offered for sale at the person's residence, a roadside
2.10 stand, a community or social event, or a farmers' market in Minnesota;

2.11 (4) the seller displays at the point of sale a clearly legible sign or placard stating:
2.12 "These canned goods are homemade and not subject to state inspection" unless the
2.13 products were processed and canned in a kitchen that is licensed or inspected; and

2.14 (5) each container of the product sold or offered for sale under this exemption is
2.15 accurately labeled to provide the name and address of the person who processed and
2.16 canned the goods and the date on which the goods were processed and canned.

2.17 (b) A person who qualifies for an exemption under paragraph (a) is also exempt from
2.18 the provisions of sections 31.31 and 31.392.

2.19 (c) A person claiming an exemption under this subdivision is urged to:

2.20 (1) attend and successfully complete a better process school recognized by the
2.21 commissioner; and

2.22 (2) have the recipe and manufacturing process reviewed by a person knowledgeable
2.23 in the food canning industry and recognized by the commissioner as a process authority.

2.24 (d) The commissioner, in close cooperation with the commissioner of health and the
2.25 Minnesota Extension Service, shall attempt to maximize the availability of information
2.26 and technical services and support for persons who wish to home process and home can
2.27 low acid and acidified food products.