

**SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION**

S.F. No. 4501

(SENATE AUTHORS: LIESKE, Kupec, Hoffman, Koran and Mathews)

DATE	D-PG	OFFICIAL STATUS
03/04/2024	11901	Introduction and first reading Referred to Agriculture, Broadband, and Rural Development

1.1 A bill for an act

1.2 relating to agriculture; creating a microenterprise home kitchen operation license;

1.3 appropriating money; amending Minnesota Statutes 2022, sections 28A.03, by

1.4 adding a subdivision; 28A.04, subdivision 1; 28A.05; 28A.08, subdivision 3; 31.04;

1.5 34A.01, subdivision 1; Minnesota Statutes 2023 Supplement, section 34A.04,

1.6 subdivision 1; proposing coding for new law as Minnesota Statutes, chapter 31C.

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

1.8 Section 1. Minnesota Statutes 2022, section 28A.03, is amended by adding a subdivision

1.9 to read:

1.10 Subd. 12. **Microenterprise home kitchen operation.** "Microenterprise home kitchen

1.11 operation" has the meaning given in section 31C.01, clause (3).

1.12 Sec. 2. Minnesota Statutes 2022, section 28A.04, subdivision 1, is amended to read:

1.13 Subdivision 1. **Application; date of issuance.** (a) No person shall engage in the business

1.14 of manufacturing, processing, selling, handling, or storing food without having first obtained

1.15 from the commissioner a license for doing such business. Applications for such license shall

1.16 be made to the commissioner in such manner and time as required and upon such forms as

1.17 provided by the commissioner and shall contain the name and address of the applicant,

1.18 address or description of each place of business, and the nature of the business to be

1.19 conducted at each place, and such other pertinent information as the commissioner may

1.20 require.

1.21 (b) A retail or wholesale food handler license shall be issued for the period July 1 to

1.22 June 30 following and shall be renewed thereafter by the licensee on or before July 1 each

1.23 year, except that:

2.1 (1) licenses for all mobile food concession units and retail mobile units must be issued
 2.2 for the period April 1 to March 31, and must be renewed thereafter by the licensee on or
 2.3 before April 1 each year; and

2.4 (2) a license issued for a temporary food concession stand must have a license issuance
 2.5 and renewal date consistent with appropriate statutory provisions.

2.6 (c) A custom exempt food handler license shall be issued for the period July 1 to June
 2.7 30 following and shall be renewed thereafter by the licensee on or before July 1 each year.
 2.8 The custom exempt food handler license is for businesses that only conduct custom exempt
 2.9 operations and mark all products as "Not For Sale." Food handlers that conduct retail exempt
 2.10 operations or other operations other than custom exempt processing or slaughter are not
 2.11 eligible for this license.

2.12 (d) A license for a food broker or for a food processor or manufacturer shall be issued
 2.13 for the period January 1 to December 31 following and shall be renewed thereafter by the
 2.14 licensee on or before January 1 of each year, except that a license for a wholesale food
 2.15 processor or manufacturer operating only at the state fair shall be issued for the period July
 2.16 1 to June 30 following and shall be renewed thereafter by the licensee on or before July 1
 2.17 of each year. A penalty for a late renewal shall be assessed in accordance with section
 2.18 28A.08.

2.19 (e) A microenterprise home kitchen operation license must be issued for the period of
 2.20 January 1 to December 31 following application and may be renewed annually. The
 2.21 commissioner must issue the license within 30 calendar days after receiving the application.

2.22 ~~(e)~~ (f) A person applying for a new license up to 14 calendar days before the effective
 2.23 date of the new license period under paragraph (b) or (e) must be issued a license for the
 2.24 14 days and the next license year as a single license and pay a single license fee as if the
 2.25 14 days were part of the upcoming license period.

2.26 Sec. 3. Minnesota Statutes 2022, section 28A.05, is amended to read:

2.27 **28A.05 CLASSIFICATION.**

2.28 All persons required to have a license under section 28A.04 shall be classified into one
 2.29 of the following classes of food handlers, according to their principal mode of business.

2.30 (a) Retail food handlers are persons who sell or process and sell food directly to the
 2.31 ultimate consumer or who custom process meat or poultry. The term includes a person who
 2.32 sells food directly to the ultimate consumer through the use of vending machines, and a

3.1 person who sells food for consumption on site or off site if the sale is conducted on the
3.2 premises that are part of a grocery or convenience store operation.

3.3 (b) Wholesale food handlers are persons who sell to others for resale. A person who
3.4 handles food in job lots (jobbers) is included in this classification.

3.5 (c) Wholesale food processors or manufacturers are persons who process or manufacture
3.6 raw materials and other food ingredients into food items, or who reprocess food items, or
3.7 who package food for sale to others for resale, or who commercially slaughter animals or
3.8 poultry. Included herein are persons who can, extract, ferment, distill, pickle, bake, freeze,
3.9 dry, smoke, grind, mix, stuff, pack, bottle, recondition, or otherwise treat or preserve food
3.10 for sale to others for resale, cold storage warehouse operators as defined in section 28.01,
3.11 subdivision 3, salvage food processors as defined in section 31.495, subdivision 1, and dairy
3.12 plants as defined in section 32D.01, subdivision 6.

3.13 (d) Custom exempt food handlers are persons who only conduct custom exempt
3.14 processing as defined in section 31A.02, subdivision 5. A retail or wholesale transaction
3.15 may not take place in a facility operated by a person with a custom exempt food handler
3.16 license.

3.17 (e) A food broker is a person who buys and sells food and who negotiates between a
3.18 buyer and a seller of food, but who at no time has custody of the food being bought and
3.19 sold.

3.20 (f) A microenterprise home kitchen operation is a person who exclusively prepares food
3.21 at a residence according to chapter 31C.

3.22 Sec. 4. Minnesota Statutes 2022, section 28A.08, subdivision 3, is amended to read:

3.23 Subd. 3. **Fees effective July 1, ~~2003~~ 2024.**

	License Fee Effective July 1, 2003 2024	Penalties	
Type of food handler		Late Renewal	No License
3.29 1. Retail food handler or custom exempt food 3.30 handler			
3.31 (a) Having gross sales of only prepackaged 3.32 nonperishable food of less than \$15,000 for 3.33 the immediately previous license or fiscal 3.34 year and filing a statement with the 3.35 commissioner	\$ 50	\$ 17	\$ 33
3.36 (b) Having under \$15,000 gross sales or 3.37 service including food preparation or having	\$ 77	\$ 25	\$ 51

4.1	\$15,000 to \$50,000 gross sales or service			
4.2	for the immediately previous license or			
4.3	fiscal year			
4.4	(c) Having \$50,001 to \$250,000 gross sales			
4.5	or service for the immediately previous			
4.6	license or fiscal year	\$155	\$ 51	\$102
4.7	(d) Having \$250,001 to \$1,000,000 gross			
4.8	sales or service for the immediately previous			
4.9	license or fiscal year	\$276	\$ 91	\$182
4.10	(e) Having \$1,000,001 to \$5,000,000 gross			
4.11	sales or service for the immediately previous			
4.12	license or fiscal year	\$799	\$264	\$527
4.13	(f) Having \$5,000,001 to \$10,000,000 gross			
4.14	sales or service for the immediately previous			
4.15	license or fiscal year	\$1,162	\$383	\$767
4.16	(g) Having \$10,000,001 to \$15,000,000			
4.17	gross sales or service for the immediately			
4.18	previous license or fiscal year	\$1,376	\$454	\$908
4.19	(h) Having \$15,000,001 to \$20,000,000			
4.20	gross sales or service for the immediately			
4.21	previous license or fiscal year	\$1,607	\$530	\$1,061
4.22	(i) Having \$20,000,001 to \$25,000,000			
4.23	gross sales or service for the immediately			
4.24	previous license or fiscal year	\$1,847	\$610	\$1,219
4.25	(j) Having over \$25,000,001 gross sales or			
4.26	service for the immediately previous license			
4.27	or fiscal year	\$2,001	\$660	\$1,321
4.28	2. Wholesale food handler			
4.29	(a) Having gross sales or service of less than			
4.30	\$25,000 for the immediately previous			
4.31	license or fiscal year	\$ 57	\$ 19	\$ 38
4.32	(b) Having \$25,001 to \$250,000 gross sales			
4.33	or service for the immediately previous			
4.34	license or fiscal year	\$284	\$ 94	\$187
4.35	(c) Having \$250,001 to \$1,000,000 gross			
4.36	sales or service from a mobile unit without			
4.37	a separate food facility for the immediately			
4.38	previous license or fiscal year	\$444	\$147	\$293
4.39	(d) Having \$250,001 to \$1,000,000 gross			
4.40	sales or service not covered under paragraph			
4.41	(c) for the immediately previous license or			
4.42	fiscal year	\$590	\$195	\$389
4.43	(e) Having \$1,000,001 to \$5,000,000 gross			
4.44	sales or service for the immediately previous			
4.45	license or fiscal year	\$769	\$254	\$508
4.46	(f) Having \$5,000,001 to \$10,000,000 gross			
4.47	sales or service for the immediately previous			
4.48	license or fiscal year	\$920	\$304	\$607

5.1	(g) Having \$10,000,001 to \$15,000,000			
5.2	gross sales or service for the immediately			
5.3	previous license or fiscal year	\$990	\$327	\$653
5.4	(h) Having \$15,000,001 to \$20,000,000			
5.5	gross sales or service for the immediately			
5.6	previous license or fiscal year	\$1,156	\$381	\$763
5.7	(i) Having \$20,000,001 to \$25,000,000			
5.8	gross sales or service for the immediately			
5.9	previous license or fiscal year	\$1,329	\$439	\$877
5.10	(j) Having over \$25,000,001 or more gross			
5.11	sales or service for the immediately previous			
5.12	license or fiscal year	\$1,502	\$496	\$991
5.13	3. Food broker	\$150	\$ 50	\$ 99
5.14	4. Wholesale food processor or manufacturer			
5.15	(a) Having gross sales or service of less than			
5.16	\$125,000 for the immediately previous			
5.17	license or fiscal year	\$169	\$ 56	\$112
5.18	(b) Having \$125,001 to \$250,000 gross sales			
5.19	or service for the immediately previous			
5.20	license or fiscal year	\$392	\$129	\$259
5.21	(c) Having \$250,001 to \$1,000,000 gross			
5.22	sales or service for the immediately previous			
5.23	license or fiscal year	\$590	\$195	\$389
5.24	(d) Having \$1,000,001 to \$5,000,000 gross			
5.25	sales or service for the immediately previous			
5.26	license or fiscal year	\$769	\$254	\$508
5.27	(e) Having \$5,000,001 to \$10,000,000 gross			
5.28	sales or service for the immediately previous			
5.29	license or fiscal year	\$920	\$304	\$607
5.30	(f) Having \$10,000,001 to \$15,000,000			
5.31	gross sales or service for the immediately			
5.32	previous license or fiscal year	\$1,377	\$454	\$909
5.33	(g) Having \$15,000,001 to \$20,000,000			
5.34	gross sales or service for the immediately			
5.35	previous license or fiscal year	\$1,608	\$531	\$1,061
5.36	(h) Having \$20,000,001 to \$25,000,000			
5.37	gross sales or service for the immediately			
5.38	previous license or fiscal year	\$1,849	\$610	\$1,220
5.39	(i) Having \$25,000,001 to \$50,000,000			
5.40	gross sales or service for the immediately			
5.41	previous license or fiscal year	\$2,090	\$690	\$1,379
5.42	(j) Having \$50,000,001 to \$100,000,000			
5.43	gross sales or service for the immediately			
5.44	previous license or fiscal year	\$2,330	\$769	\$1,538
5.45	(k) Having \$100,000,000 or more gross			
5.46	sales or service for the immediately previous			
5.47	license or fiscal year	\$2,571	\$848	\$1,697

6.1	5. Wholesale food processor of meat or poultry			
6.2	products under supervision of the U.S.			
6.3	Department of Agriculture			
6.4	(a) Having gross sales or service of less than			
6.5	\$125,000 for the immediately previous			
6.6	license or fiscal year	\$112	\$ 37	\$ 74
6.7	(b) Having \$125,001 to \$250,000 gross sales			
6.8	or service for the immediately previous			
6.9	license or fiscal year	\$214	\$ 71	\$141
6.10	(c) Having \$250,001 to \$1,000,000 gross			
6.11	sales or service for the immediately previous			
6.12	license or fiscal year	\$333	\$110	\$220
6.13	(d) Having \$1,000,001 to \$5,000,000 gross			
6.14	sales or service for the immediately previous			
6.15	license or fiscal year	\$425	\$140	\$281
6.16	(e) Having \$5,000,001 to \$10,000,000 gross			
6.17	sales or service for the immediately previous			
6.18	license or fiscal year	\$521	\$172	\$344
6.19	(f) Having \$10,000,001 to \$15,000,000			
6.20	gross sales or service for the immediately			
6.21	previous license or fiscal year	\$765	\$252	\$505
6.22	(g) Having \$15,000,001 to \$20,000,000			
6.23	gross sales or service for the immediately			
6.24	previous license or fiscal year	\$893	\$295	\$589
6.25	(h) Having \$20,000,001 to \$25,000,000			
6.26	gross sales or service for the immediately			
6.27	previous license or fiscal year	\$1,027	\$339	\$678
6.28	(i) Having \$25,000,001 to \$50,000,000			
6.29	gross sales or service for the immediately			
6.30	previous license or fiscal year	\$1,161	\$383	\$766
6.31	(j) Having \$50,000,001 to \$100,000,000			
6.32	gross sales or service for the immediately			
6.33	previous license or fiscal year	\$1,295	\$427	\$855
6.34	(k) Having \$100,000,001 or more gross			
6.35	sales or service for the immediately previous			
6.36	license or fiscal year	\$1,428	\$471	\$942
6.37	6. Wholesale food processor or manufacturer			
6.38	operating only at the State Fair	\$125	\$ 40	\$ 50
6.39	7. Wholesale food manufacturer having the			
6.40	permission of the commissioner to use the			
6.41	name Minnesota Farmstead cheese	\$ 30	\$ 10	\$ 15
6.42	8. Wholesale food manufacturer processing			
6.43	less than 700,000 pounds per year of raw			
6.44	milk	\$ 30	\$ 10	\$ 15

7.1	9. A milk marketing organization without			
7.2	facilities for processing or manufacturing			
7.3	that purchases milk from milk producers for			
7.4	delivery to a licensed wholesale food			
7.5	processor or manufacturer	\$ 50	\$ 15	\$ 25
7.6	<u>10. Microenterprise home kitchen operation</u>	<u>\$ 50</u>	<u>\$ 15</u>	<u>\$ 50</u>

7.7 Sec. 5. Minnesota Statutes 2022, section 31.04, is amended to read:

7.8 **31.04 INSPECTION AUTHORITY.**

7.9 Subdivision 1. **Allowable actions.** For purposes of enforcement of the Minnesota Food
7.10 Law, the commissioner, or any of the commissioner's authorized agents, is authorized upon
7.11 presenting appropriate credentials to the owner, operator or agent in charge:

7.12 (1) to enter at reasonable times any factory, warehouse, ~~or~~ establishment, or premises
7.13 of a residence of a microenterprise home kitchen operation in which food is manufactured,
7.14 processed, packed or held for introduction into commerce or after such introduction or to
7.15 enter any vehicle being used to transport or hold such food in commerce;

7.16 (2) to inspect at reasonable times and within reasonable limits and in a reasonable manner
7.17 such factory, warehouse, establishment, premises of a residence of a microenterprise home
7.18 kitchen operation, or vehicle and all pertinent equipment, finished and unfinished materials,
7.19 containers and labeling therein; and to obtain samples necessary to the enforcement of the
7.20 Minnesota Food Law; and

7.21 (3) to have access to and to copy all records of carriers in commerce showing the
7.22 movement in commerce of any food or the holding thereof during or after such movement,
7.23 and the quantity, shipper and consignee thereof; provided, that evidence obtained under this
7.24 clause shall not be used in a criminal prosecution of the person from whom obtained; and
7.25 provided, further, that carriers shall not be subject to the other provisions of the Minnesota
7.26 Food Law by reason of their receipt, carriage, holding, or delivery of food in the usual
7.27 course of business as carriers.

7.28 Subd. 2. **Written report.** Upon completion of any such inspection of a factory,
7.29 warehouse, microenterprise home kitchen operation, or other establishment and prior to
7.30 leaving the premises, the authorized agent making the inspection shall give to the owner,
7.31 operator or agent in charge a report in writing setting forth any conditions or practices
7.32 observed which in the agent's judgment indicate that any food in such establishment:

7.33 (1) consists in whole or in part of any filthy, putrid, or decomposed substance, or

8.1 (2) has been prepared, packed or held under insanitary conditions whereby it may have
8.2 become contaminated with filth or whereby it may have been rendered injurious to health.

8.3 A copy of such report shall be sent promptly to the commissioner.

8.4 Subd. 3. **Receipt for samples.** An authorized agent making any ~~such~~ inspection ~~of a~~
8.5 ~~factory, warehouse or other establishment~~ under this section and who has obtained any
8.6 sample in the course of the inspection, upon completion of the inspection and prior to leaving
8.7 the premises, shall give to the owner, operator, or agent in charge a receipt describing the
8.8 samples obtained.

8.9 Subd. 4. **Copy of analysis result.** When in the course of any ~~such~~ inspection ~~of a factory~~
8.10 ~~or other establishment where food is manufactured, processed or packed,~~ under this section,
8.11 the officer or employee making the inspection obtains a sample of any such food and an
8.12 analysis is made of such sample for the purpose of ascertaining whether such food consists
8.13 in whole or in part of any filthy, putrid or decomposed substance or is otherwise unfit for
8.14 food, a copy of the result of such analysis shall be furnished promptly to the owner, operator
8.15 or agent in charge.

8.16 Sec. 6. **[31C.01] DEFINITIONS.**

8.17 For purposes of this chapter, the following terms have the meanings given:

8.18 (1) "commissioner" means the commissioner of agriculture;

8.19 (2) "juice" means the aqueous liquid expressed or extracted from one or more fruits or
8.20 vegetables, purees of the edible portions of one or more fruits or vegetables, or any
8.21 concentrates of the liquid or puree;

8.22 (3) "microenterprise home kitchen operation" means a person who makes and sells
8.23 prepared food exclusively at a residence in Minnesota with a license under this chapter. A
8.24 microenterprise home kitchen operation is not a food establishment for purposes of Minnesota
8.25 Rules, chapter 4626;

8.26 (4) "prepared food" means food for human consumption that is produced and packaged
8.27 at the residence of a microenterprise home kitchen operation. Prepared food does not include
8.28 alcoholic beverages, low-acid canned food, or food containing cannabis. Prepared food
8.29 includes:

8.30 (i) homemade food produced by cooking, baking, drying, mixing, cutting, fermenting,
8.31 preserving, dehydrating, growing, raising, or other processes, including time/temperature
8.32 control for safety food; and

- 9.1 (ii) food made with meat and poultry from approved inspection sources; and
9.2 (5) "time/temperature control for safety food" or "TCS food" has the meaning given in
9.3 Minnesota Rules, part 4626.0020, subpart 90a.

9.4 **Sec. 7. [31C.02] MICROENTERPRISE HOME KITCHEN OPERATION ACCOUNT.**

9.5 A microenterprise home kitchen operation account is created in the agricultural fund.
9.6 Fees paid under section 28A.08, subdivision 3, must be deposited in the microenterprise
9.7 home kitchen operation account. Money in the account, including interest accrued, is
9.8 appropriated to the commissioner for the cost of the microenterprise home kitchen operation
9.9 program.

9.10 **Sec. 8. [31C.03] TRAINING.**

9.11 To qualify for a license under chapter 28A, an individual who will handle food in a
9.12 microenterprise home kitchen operation must first complete a course in safe food handling
9.13 that is approved by the commissioner. The training must not exceed eight hours and must
9.14 be completed every three years. The commissioner must approve online options for
9.15 food-handling training, including ServSafe. Before receiving a microenterprise home kitchen
9.16 operation license, an applicant must provide documentation that each individual who will
9.17 handle food in the microenterprise home kitchen operation has completed the required
9.18 training.

9.19 **Sec. 9. [31C.04] REQUIREMENTS FOR LICENSEES.**

9.20 (a) A microenterprise home kitchen operation licensee must comply with this section.

9.21 (b) The sale and delivery of prepared food must only be as permitted by the license.
9.22 Non-TCS food may be delivered in person, by mail or commercial delivery, and through
9.23 an agent or third party, including a third-party vendor. TCS food may be delivered only in
9.24 person.

9.25 (c) At the point of sale of the prepared food, the individual selling the food must display
9.26 a sign stating: "This food is homemade and produced according to modified requirements
9.27 under state law" or must label the food with this statement in a legible format. If a third-party
9.28 vendor is selling prepared food, the vendor must display the food in an area that is separate
9.29 from food that is not homemade.

10.1 (d) A licensee must control the safety of TCS food by refrigeration only. A licensee
10.2 must not engage in hot holding, reheating, cooking for immediate service, or custom
10.3 processing of TCS food.

10.4 (e) A licensee must ensure that prepared TCS food is marked with an expiration date
10.5 that is appropriate for the prepared food.

10.6 Sec. 10. **[31C.05] EXEMPTIONS.**

10.7 A microenterprise home kitchen operation licensee is exempt from sections 31.31 and
10.8 31.392.

10.9 Sec. 11. **[31C.06] LOCAL ORDINANCE.**

10.10 This chapter does not preempt the application of any business-licensing requirement or
10.11 zoning ordinance of a political subdivision. A political subdivision may not restrict the sale
10.12 of food sold under this chapter in a manner more stringent than state law.

10.13 Sec. 12. **[31C.07] STANDARDS FOR MICROENTERPRISE HOME KITCHEN**
10.14 **OPERATIONS.**

10.15 Subdivision 1. **Health and hygiene.** (a) A food handler must be free from contagious
10.16 or communicable diseases, sores, or infected wounds and must keep the food handler's hair
10.17 restrained.

10.18 (b) A food handler must keep themselves and the food handler's clothing clean. A food
10.19 handler must wash the food handler's hands as frequently as necessary to maintain good
10.20 sanitation and to prevent cross-contaminating food.

10.21 (c) A food handler must minimize bare hand contact with prepared food.

10.22 (d) Smoking is not permitted while handling or preparing food or in food preparation
10.23 areas or storage areas while preparing food.

10.24 Subd. 2. **Residence conditions.** (a) Prepared food must be prepared and packaged at a
10.25 residence in Minnesota.

10.26 (b) A residence where food is prepared must be equipped with at least one easily
10.27 accessible hand-washing sink plumbed with hot and cold potable water and supplied with
10.28 hand soap.

10.29 (c) Food-contact surfaces must be easy to clean, nonabsorbent, and in good condition.

11.1 (d) Food-contact surfaces must be sanitized after cleaning and before use with a sanitizer
11.2 labeled for use on food preparation surfaces.

11.3 (e) A residence where food is prepared or stored must be protected from pest infestation
11.4 and other sources of contamination. Outside windows and doors must be fitted with screens
11.5 or be kept closed to prevent sources of contamination.

11.6 (f) A residence where food is prepared or stored must have floors, walls, and ceilings
11.7 that are clean and easy to clean and maintain. A residence where food is stored must be
11.8 maintained in a sanitary condition. A vehicle used to transport food must also be maintained
11.9 in a sanitary condition.

11.10 (g) Garbage and refuse must be kept in containers and removed from the premises of a
11.11 residence regularly to eliminate insects and rodents, offensive odors, or health or fire hazards.
11.12 Garbage and refuse containers must be easy to clean, insect- and rodent-resistant and
11.13 constructed from material that does not leak or absorb liquid.

11.14 (h) Food storage and preparation areas must meet applicable structural, plumbing, HVAC,
11.15 and electrical residential code standards.

11.16 **Subd. 3. Equipment.** (a) A residence where food is prepared or stored must have
11.17 mechanical refrigeration with sufficient capacity to the temperature at or below 41 degrees
11.18 Fahrenheit.

11.19 (b) Equipment, utensils, and containers used to prepare food must be washed with soap
11.20 and water or sanitizer approved for cleaning food-contact surfaces and must be kept clean.

11.21 **Subd. 4. Food.** (a) Food ingredients must be obtained from licensed establishments,
11.22 except for products from a farm or garden, including fresh fruits and vegetables, honey, and
11.23 eggs. Using food in hermetically sealed containers not prepared in a licensed food-processing
11.24 plant is prohibited.

11.25 (b) Food must be in sound condition; free from spoilage, filth, or other contamination;
11.26 and safe for human consumption. Food products must not be stored on the floor.

11.27 (c) Prepared TCS food must be maintained at or below 41 degrees Fahrenheit under
11.28 mechanical refrigeration.

11.29 (d) TCS food must be cooled to 41 degrees Fahrenheit or less within four hours.

11.30 (e) Dogs, cats, or other pets are not permitted in spaces or rooms while food is exposed
11.31 or prepared.

12.1 (f) Food ingredients must be stored in original containers. If removed from the original
12.2 container, food and ingredients must be stored in labeled and closed containers of a material
12.3 that will not cause the food to become adulterated.

12.4 Subd. 5. **Consumer information.** (a) Food sold under this chapter must be labeled with
12.5 the microenterprise home kitchen operation's name and contact information, common name
12.6 of the food, the date on which the food was prepared, ingredients, contained allergens in
12.7 common name consistent with requirements under federal law, and the statement "This food
12.8 was homemade and produced according to modified requirements under state law."

12.9 (b) Juice that is prepared by a microenterprise home kitchen operation and that is not
12.10 pasteurized must be refrigerated at or below 41 degrees Fahrenheit or frozen and must be
12.11 labeled with the following: "WARNING: This product has not been pasteurized and,
12.12 therefore, may contain harmful bacteria that can cause serious illness in children, the elderly,
12.13 and persons with weakened immune systems."

12.14 Subd. 6. **Water source and wastewater disposal.** (a) Unless determined unnecessary
12.15 by the commissioner according to section 31.175, a residence where food is prepared or
12.16 stored must have an adequate supply of hot and cold potable water from an approved source
12.17 and approved wastewater disposal, such as a public water system. If the residence is not
12.18 served by a public water system, the water must be tested annually for nitrites and coliform.
12.19 Records of water tests must be maintained by license holders who are not served by a public
12.20 system. The records must be available to the commissioner upon request.

12.21 (b) A residence where food is prepared or stored must have proper toilet fixtures, equipped
12.22 with a hand-washing sink, complete with hot and cold potable water and hand soap. A
12.23 supply of sanitary towels or a hand-drying device providing heated air must be located near
12.24 the hand-washing sink.

12.25 Subd. 7. **Self-inspection.** The licensee must implement a system of self-inspection to
12.26 ensure compliance with this section.

12.27 Sec. 13. Minnesota Statutes 2022, section 34A.01, subdivision 1, is amended to read:

12.28 Subdivision 1. **Applicability.** The definitions in this section and chapters 28, 28A, 29,
12.29 30, 31, 31A, 31C, 32D, and 34 apply to this chapter. The definitions in this section apply
12.30 to chapter 32D.

13.1 Sec. 14. Minnesota Statutes 2023 Supplement, section 34A.04, subdivision 1, is amended
13.2 to read:

13.3 Subdivision 1. **Enforcement required.** (a) The commissioner shall enforce this chapter
13.4 and chapters 28, 28A, 29, 30, 31, 31A, 31C, 32D, and 34. To carry out the enforcement
13.5 duties under these chapters, the commissioner may, upon presenting appropriate credentials,
13.6 during regular working hours and at other reasonable times, inspect premises subject to the
13.7 commissioner's enforcement and licensing authority; require information from persons with
13.8 information relevant to an inspection; and inspect and copy relevant papers and records,
13.9 including business records.

13.10 (b) The commissioner may administer oaths, take and cause to be taken depositions of
13.11 witnesses, and issue subpoenas, and may petition the district court in the county in which
13.12 the premises is located to compel compliance with subpoenas or to permit an inspection.

13.13 (c) Violations of chapters 28, 28A, 29, 30, 31, 31A, 31C, 32D, and 34, or rules adopted
13.14 under chapters 28, 28A, 29, 30, 31, 31A, 32D, and 34, are a violation of this chapter.

13.15 (d) Upon the request of the commissioner, county attorneys, sheriffs, and other officers
13.16 having authority in the enforcement of the general criminal laws shall take action to the
13.17 extent of their authority necessary or proper for the enforcement of this chapter or standards,
13.18 stipulations, and agreements of the commissioner.