

## CHAPTER 28A

## CONSOLIDATED FOOD LICENSING LAW

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**28A.03 DEFINITIONS.**

As used in sections 28A.01 to 28A.16 the terms defined in this section shall have the following meanings:

(a) "Commissioner" means the commissioner of agriculture of the state of Minnesota.

(b) "Person" means any individual, firm, corporation, company, association, cooperative or partnership and includes any trustee, receiver, assignee or other similar representative thereof.

(c) "Place of business" means every location where food or food items are manufactured, processed, sold, stored or handled, including buildings, locations, permanent or portable structures, carnivals, circuses, fairs, or any other permanent or temporary location.

Any vehicle or similar mobile unit from which food is sold shall be considered a place of business for purposes of this section if the food therefrom has been manufactured, packaged or dispensed from bulk, or processed in any manner thereon.

(d) "Food" includes every article used for, entering into the consumption of, or used or intended for use in the preparation of food, drink, confectionery, or condiment for man, whether simple, mixed or compound.

(1) "Perishable food" is food which includes, but is not limited to fresh fruits, fresh vegetables, and other products which need protection from extremes of temperatures in order to avoid decomposition by microbial growth or otherwise.

(2) "Readily perishable food" is food or a food ingredient consisting in whole or in part of milk, milk products, eggs, meat, fish, poultry or other food or food ingredient which is capable of supporting rapid and progressive growth of infectious or toxigenic micro-organisms.

(3) "Frozen food" is food which is processed and preserved by freezing in accordance with good commercial practices and which is intended to be sold in the frozen state.

(4) For the purposes of this definition, packaged food in hermetically sealed containers processed by heat to prevent spoilage; packaged pickles; jellies, jams and condiments in sealed containers; bakery products such as bread, rolls, buns, donuts, fruit-filled pies and pastries; dehydrated packaged food; and dry or packaged food so low in moisture content as to preclude development of micro-organisms are not "perishable food," "readily perishable food," or "frozen food" within the meaning of definitions (1), (2) and (3) herein when they are stored and handled in accordance with good commercial practices.

(e) "Sell and sale" includes the keeping, offering, or exposing for sale, use, transporting, transferring, negotiating, soliciting, or exchange of food, the having in possession with intent to sell, use, transport, negotiate, solicit, or exchange the same and the storing, or carrying thereof in aid of traffic therein whether done or permitted in person or through others.

(f) "Principal mode of business" means that type of business described under either (a), (b), (c) or (d) in section 28A.05 within which category the greatest amount of the applicant's food business lies.

(g) "Custom processor" means a person who slaughters animals or processes noninspected meat for the owner of the animals, and returns the meat products derived from the slaughter or processing to the owner. "Custom processor" does not include a person who slaughters animals or poultry or processes meat for the owner of the animals or poultry on the farm or premises of the owner of the animals, meat, or poultry. For the purpose of this clause, "animals" or "meat" do not include poultry or game animals or meat derived therefrom.

**History:** 1983 c 300 s 3

### 28A.08 LICENSE FEES; PENALTIES.

The fees for licenses and the penalties for late renewal of licenses set in this section apply to the sections named except as provided under section 28A.09. Except as specified herein, bonds and assessments based on number of units operated or volume handled or processed which are provided for in said laws shall not be affected, nor shall any penalties for late payment of said assessments, nor shall inspection fees, be affected by this chapter.

Type of food handler	License Fee	Penalty
1. Retail food handler		
(a) Having gross sales of less than \$50,000 for the immediately previous license or fiscal year	\$ 25	\$10
(b) Having \$50,000 to \$250,000 gross sales for the immediately previous license or fiscal year	\$ 50	\$13
(c) Having \$250,000 to \$1,000,000 gross sales for the immediately previous license or fiscal year	\$100	\$25
(d) Having over \$1,000,000 gross sales for the immediately previous license or fiscal year	\$200	\$50
2. Wholesale food handler	\$100	\$25
3. Food broker	\$ 50	\$13
4. Wholesale food processor or manufacturer		
(a) Having gross sales of less than \$250,000 for the immediately previous license or fiscal year	\$150	\$38
(b) Having \$250,000 to \$1,000,000 gross sales for the immediately previous license or fiscal year	\$200	\$50
(c) Having over \$1,000,000 gross sales for the immediately previous license or fiscal year	\$250	\$63
5. Wholesale food processor of meat or poultry products		

under supervision of the U.S. Department of Agriculture		
(a) Having gross sales of less than \$250,000 for the immediately previous license or fiscal year	\$ 75	\$19
(b) Having \$250,000 to \$1,000,000 gross sales for the immediately previous license or fiscal year	\$ 90	\$23
(c) Having over \$1,000,000 gross sales for the immediately previous license or fiscal year	\$105	\$27
6. Wholesale food manufacturer having the permission of the commissioner to use the name Minnesota farmstead cheese	\$ 30	\$10

**History:** 1983 c 293 s 53

#### 28A.09 INSPECTION FEES FOR VENDING MACHINES.

Subdivision 1. **Annual fee; exceptions.** Every coin operated food vending machine is subject to an annual state inspection fee of \$5 for each nonexempt machine, provided that:

(a) Food vending machines may be inspected by either a home rule charter or statutory city, or a county, but not both, and if inspected by a home rule charter or statutory city, or a county they shall not be subject to the state inspection fee, but the home rule charter or statutory city, or the county may impose a reasonable inspection or license fee. A home rule charter or statutory city or county that does not inspect food vending machines shall not impose a food vending machine inspection or license fee.

(b) Vending machines dispensing only gum balls, hard candy, unsorted confections, bottled or canned soft drinks or ice manufactured and packaged by another shall be exempt from the state inspection fee, but may be inspected by the state, or by a home rule charter city or statutory city or a county which may impose a reasonable inspection or license fee.

Subd. 2. **Identification; rules.** The commissioner may require that a vending machine must be identified in accordance with rules promulgated pursuant to chapter 14.

**History:** 1983 c 293 s 54; 1983 c 300 s 4