

## CHAPTER 31

## FOOD

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**31.101 RULES; HEARINGS; UNIFORMITY WITH FEDERAL LAW.**

Subdivision 1. The authority to promulgate and amend rules for the efficient administration and enforcement of the Minnesota food law is vested in the commissioner and is in addition to authority granted in sections 31.10, 31.11, and 31.12. Such rules when applicable shall conform, insofar as practicable and consistent with state law, with those promulgated under the federal law.

Subd. 2. Hearings authorized or required by law shall be conducted by the commissioner or such officer, agent, or employee as the commissioner may designate for the purpose.

Subd. 3. Federal pesticide chemical regulations and amendments thereto in effect on April 1, 1997, adopted under authority of the Federal Insecticide, Fungicide and Rodenticide Act, as provided by United States Code, title 7, chapter 6, are the pesticide chemical rules in this state. Such rules may be amended by the commissioner proceeding in accordance with the Administrative Procedure Act.

Subd. 4. Federal food additive regulations and amendments thereto in effect on April 1, 1997, as provided by Code of Federal Regulations, title 21, parts 170 to 199, are the food additive rules in this state. Such rules may be amended by the commissioner proceeding in accordance with the Administrative Procedure Act.

Subd. 5. Federal color additive regulations and amendments thereto in effect on April 1, 1997, as provided by Code of Federal Regulations, title 21, parts 70 to 82, are the color additive rules in this state. Such rules may be amended by the commissioner proceeding in accordance with the administrative procedure act.

Subd. 6. Federal special dietary use regulations and amendments thereto in effect on April 1, 1997, as provided by Code of Federal Regulations, title 21, parts 104 and 105, are the special dietary use rules in this state. Such rules may be amended by the commissioner proceeding in accordance with the administrative procedure act.

Subd. 7. Federal regulations and amendments thereto in effect on April 1, 1997, adopted under the Fair Packaging and Labeling Act, as provided by United States Code, title 15, sections 1451 to 1461, are the rules in this state. Such rules may be amended by the commissioner proceeding in accordance with the Administrative Procedure Act; provided that the commissioner shall not adopt amendments to such rules or adopt other rules which are contrary to the labeling requirements for the net quantity of contents required pursuant to section 4 of the Fair Packaging and Labeling Act and the regulations promulgated thereunder.

Subd. 8. Applicable federal regulations including recodification contained in Code of Federal Regulations, title 21, parts 0-1299, Food and Drugs, in effect April 1, 1997, and not otherwise adopted herein, also are adopted as food rules of this state. Such rules may be amended by the commissioner in accordance with the Administrative Procedure Act.

Subd. 9. **Fishery products rules.** Federal regulations in effect on April 1, 1997, as provided by Code of Federal Regulations, title 50, parts 260 to 267, are incorporated as part of the fishery products rules in this state for state inspections performed under a cooperative agreement with the United States Department of Commerce, National Marine Fisheries Service. The rules may be amended by the commissioner under chapter 14.

Subd. 10. **Meat and poultry rules.** Federal regulations in effect on April 1, 1997, as provided by Code of Federal Regulations, title 9, parts 301 to 362 and 381 to 391, with the exception of Subpart C-Exemptions, sections 381.10 to 381.15, are incorporated as part of the meat and poultry rules in this state. The rules may be amended by the commissioner under chapter 14.

Subd. 11. **Standards for fresh fruits, vegetables, and other products.** Federal regulations in effect on April 1, 1997, as provided by Code of Federal Regulations, title 7, parts 51 and 52, are incorporated as part of the rules in this state. The rules may be amended by the commissioner under chapter 14.

**History:** 1997 c 220 s 1

### **31.102 DEFINITIONS, STANDARDS OF IDENTITY; TEMPORARY PERMITS.**

Subdivision 1. Federal definitions and standards of identity, quality and fill of container and amendments thereto, in effect on April 1, 1997, adopted under authority of the federal act, are the definitions and standards of identity, quality and fill of container in this state. Such rules may be amended by the commissioner proceeding in accordance with the Administrative Procedure Act.

*[For text of subd 2, see M.S.1996]*

**History:** 1997 c 220 s 2

### **31.103 FAIR PACKAGING AND LABELING PROVISIONS.**

Subdivision 1. All labels of consumer commodities shall conform with the requirements for the declaration of net quantity of contents of section 4 of the Fair Packaging and Labeling Act (United States Code, title 15, section 1451 et seq.) and federal regulations in effect on April 1, 1997, promulgated pursuant thereto, except to the extent that the commissioner shall exercise authority to amend such rules in accordance with the Administrative Procedure Act. Consumer commodities exempted from the requirements of section 4 of the Fair Packaging and Labeling Act shall also be exempt from this subdivision.

*[For text of subs 2 to 4, see M.S.1996]*

**History:** 1997 c 220 s 3

### **31.104 FOOD LABELING EXEMPTION RULES.**

The commissioner shall promulgate rules exempting from any labeling requirement food which is, in accordance with the practice of the trade, to be processed, labeled or repacked in substantial quantities at establishments other than those where originally processed or packed, on condition that such food is not adulterated or misbranded upon removal from such processing, labeling or repacking establishment.

Federal regulations in effect on April 1, 1997, adopted under authority of the federal act relating to such exemptions are effective in this state unless the commissioner shall exercise authority to amend such regulations. The commissioner also may promulgate amendments to existing rules concerning exemptions in accordance with the administrative procedure act.

**History:** 1997 c 220 s 4

### **31.874 DISEASE CONTROL.**

If the commissioner of agriculture finds that a disease or foreign matter is actually transmitted by a method of dispensing bulk foods that is permitted by section 31.84, the commissioner may adopt rules more restrictive on the sale of that food than section 31.84. The rules must address the specific relationship between the disease or foreign matter being transmitted and the dispensing methods permitted by section 31.84.

**History:** 1997 c 7 art 5 s 4

### **31.95 ORGANIC CERTIFICATION.**

*[For text of subs 1 and 3, see M.S.1996]*

Subd. 3a. **Certification organizations.** (a) A Minnesota grown organic product that is labeled "certified" must be certified by a designated certification organization.

(b) A certified organic product sold in this state must be certified by a designated certification organization or by a certification organization approved by the commissioner. Before approving a certification organization, the commissioner must seek the evaluation and recommendation of the Minnesota organic advisory task force.

(c) The commissioner shall appoint a Minnesota organic advisory task force composed of members of the organic industry to advise the commissioner on organic issues. Members of the task force may not be paid compensation or costs for expenses. The task force expires on June 30, 2001.

*[For text of subd 4, see M.S.1996]*

**History:** 1997 c 192 s 17

### **31.96 FOOD HANDLER CERTIFICATION.**

The commissioner may require certification of retail food handlers in establishments licensed under section 28A.05, paragraph (a), for retail food preparation, handling, and service practices. A retail food handler licensed under section 28A.05, paragraph (a), shall comply with the requirements for the manager certification program under section 157.011, subdivision 2. An interagency agreement with the department of health must be established for the transfer of funds to the commissioner to cover the cost of administering the manager certification program.

**History:** 1997 c 161 s 1