

CHAPTER 31

FOOD

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31.05 EMBARGOES AND CONDEMNATIONS.

[For text of subs 1 to 4, see M.S.2002]

Subd. 5. **Emergency response.** In the event of an emergency declared by the governor's order under section 12.31, if the commissioner finds or has probable cause to believe that a food or consumer commodity within a specific area is likely to be adulterated because of the emergency or so misbranded as to be dangerous or fraudulent, or is in violation of section 31.131, subdivision 1, the commissioner may embargo a geographic area that is included in the declared emergency. The commissioner shall provide notice to the public and to those with custody of the product in as thorough a manner as is practical under the emergency circumstances.

History: 2003 c 107 s 2

31.101 RULES; HEARINGS; UNIFORMITY WITH FEDERAL LAW.

[For text of subs 1 and 2, see M.S.2002]

Subd. 3. **Pesticide chemical rules.** Federal pesticide chemical regulations 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.

Subd. 4. **Food additive rules.** Federal food additive regulations, as provided by Code of Federal Regulations, title 21, parts 170 to 199, are the food additive rules in this state.

Subd. 5. **Color additive rules.** Federal color additive regulations, as provided by Code of Federal Regulations, title 21, parts 70 to 82, are the color additive rules in this state.

Subd. 6. **Special dietary use rules.** Federal special dietary use regulations, as provided by Code of Federal Regulations, title 21, parts 104 and 105, are the special dietary use rules in this state.

Subd. 7. **Fair packaging and labeling rules.** Federal regulations 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. The commissioner may not adopt amendments to these 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 adopted under that act.

Subd. 8. **Food and drugs rules.** Applicable federal regulations including recodification contained in Code of Federal Regulations, title 21, parts 0-1299, Food and Drugs, not otherwise adopted herein, also are adopted as food rules of this state.

Subd. 9. **Fishery products rules.** Federal regulations, 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.

Subd. 10. **Meat and poultry rules.** Federal regulations, as provided by Code of Federal Regulations, title 9, part 301, et seq., are incorporated as part of the meat and poultry rules in this state.

Subd. 11. **Standards for fresh fruits, vegetables, and other products.** Federal regulations, as provided by Code of Federal Regulations, title 7, parts 51 and 52, are incorporated as part of the rules in this state.

Subd. 12. **Dairy grade rules; manufacturing plant standards.** Federal grading and inspection standards for manufacturing dairy plants and products, as provided by Code of Federal Regulations, title 7, part 58, subparts B-W, are adopted as the dairy grade rules and manufacturing plant standards in this state.

History: 2003 c 107 s 3-12

31.102 DEFINITIONS, STANDARDS OF IDENTITY; TEMPORARY PERMITS.

Subdivision 1. **Identity, quantity, and fill of container rules.** Federal definitions and standards of identity, quality, and fill of container adopted under authority of the federal act, are the definitions and standards of identity, quality, and fill of container in this state. The rules may be amended by the commissioner under chapter 14.

[For text of subd 2, see M.S.2002]

History: 2003 c 107 s 13

31.103 FAIR PACKAGING AND LABELING PROVISIONS.

Subdivision 1. **Consumer commodities labeling rules.** All labels of consumer commodities must 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 adopted under authority of that act, except to the extent that the commissioner amends the rules under chapter 14. Consumer commodities exempted from the requirements of section 4 of the Fair Packaging and Labeling Act are also exempt from this subdivision.

[For text of subds 2 to 4, see M.S.2002]

History: 2003 c 107 s 14

31.15 DISPOSAL OF RECEIPTS.

In all prosecutions under section 31.14, save as therein specifically provided, the fine or fines collected by and under the same shall be forthwith transmitted by the officer collecting the same to the commissioner of finance, to the credit of the general fund, and all other fees and payments made to the commissioner, except as aforesaid, shall be accounted for and disposed of in the same manner.

History: 2003 c 112 art 2 s 50

31.92 DEFINITIONS.

[For text of subds 1 and 2, see M.S.2002]

Subd. 2a. [Repealed, 2003 c 107 s 33]

Subd. 2b. **Federal law.** "Federal law" means the Organic Foods Production Act of 1990, United States Code, title 7, sections 6501 et seq. and associated regulations in Code of Federal Regulations, title 7, section 205.

Subd. 3. **Organic.** "Organic" is a labeling term that refers to an agricultural product produced in accordance with federal law.

Subd. 3a. **Organic production.** "Organic production" means a production system that is managed in accordance with federal law to respond to site-specific conditions by integrating cultural, biological, and mechanical practices that foster cycling of resources, promote ecological balance, and conserve biodiversity.

[For text of subd 4, see M.S.2002]

Subd. 5. [Repealed, 2003 c 107 s 33]

History: 2003 c 107 s 15-17

31.925 UNIFORMITY WITH FEDERAL LAW:

The federal law specified in section 31.92, subdivision 2b, is adopted as the organic food production law and rules in this state.

History: 2003 c 107 s 18

31.93 [Repealed, 2003 c 107 s 33]**31.94 COMMISSIONER DUTIES.**

(a) In order to promote opportunities for organic agriculture in Minnesota, the commissioner shall:

- (1) survey producers and support services and organizations to determine information and research needs in the area of organic agriculture practices;
- (2) work with the University of Minnesota to demonstrate the on-farm applicability of organic agriculture practices to conditions in this state;
- (3) direct the programs of the department so as to work toward the promotion of organic agriculture in this state;
- (4) inform agencies of how state or federal programs could utilize and support organic agriculture practices; and
- (5) work closely with producers, the University of Minnesota, the Minnesota Trade Office, and other appropriate organizations to identify opportunities and needs as well as ensure coordination and avoid duplication of state agency efforts regarding research, teaching, marketing, and extension work relating to organic agriculture.

(b) By November 15 of each even-numbered year the commissioner, in conjunction with the task force created in paragraph (c), shall report on the status of organic agriculture in Minnesota to the legislative policy and finance committees and divisions with jurisdiction over agriculture. The report must include:

- (1) a description of current state or federal programs directed toward organic agriculture, including significant results and experiences of those programs;
- (2) a description of specific actions the department of agriculture is taking in the area of organic agriculture, including the proportion of the department's budget spent on organic agriculture;
- (3) a description of current and future research needs at all levels in the area of organic agriculture;
- (4) suggestions for changes in existing programs or policies or enactment of new programs or policies that will affect organic agriculture;
- (5) a description of market trends and potential for organic products;
- (6) available information, using currently reliable data, on the price received, yield, and profitability of organic farms, and a comparison with data on conventional farms; and
- (7) available information, using currently reliable data, on the positive and negative impacts of organic production on the environment and human health.

(c) The commissioner shall appoint a Minnesota Organic Advisory Task Force to advise the commissioner on policies and practices to improve organic agriculture in Minnesota. The task force must consist of the following residents of the state:

- (1) three farmers using organic agriculture methods;
- (2) two organic food wholesalers, retailers, or distributors;
- (3) one representative of organic food certification agencies;
- (4) two organic food processors;
- (5) one representative from the Minnesota Extension Service;
- (6) one representative from a Minnesota postsecondary research institution;
- (7) one representative from a nonprofit organization representing producers;
- (8) one at-large member;
- (9) one representative from the United States Department of Agriculture; and

(10) one organic consumer representative.

Terms, compensation, and removal of members are governed by section 15.059, subdivision 6. The task force must meet at least twice each year and expires on June 30, 2005.

(d) For the purposes of expanding, improving, and developing production and marketing of the organic products of Minnesota agriculture, the commissioner may receive funds from state and federal sources and spend them, including through grants or contracts, to assist producers and processors to achieve certification, to conduct education or marketing activities, to enter into research and development partnerships, or to address production or marketing obstacles to the growth and well-being of the industry.

(e) The commissioner may facilitate the registration of state organic production and handling operations including those exempt from organic certification according to Code of Federal Regulations, title 7, section 205.101, and certification agents operating within the state.

History: 2003 c 107 s 19

31.95 [Repealed, 2003 c 107 s 33]