

**HOUSE OF REPRESENTATIVES**

EIGHTY-EIGHTH SESSION

**H. F. No. 2178**

02/25/2014 Authored by Barrett, Laine, Bly and Dorholt  
The bill was read for the first time and referred to the Committee on Agriculture Policy  
03/13/2014 Adoption of Report: Amended and Placed on the General Register  
Read Second Time

1.1 A bill for an act  
1.2 relating to food safety; providing a definition of farmers' market; permitting  
1.3 food product sampling and demonstration in certain circumstances; amending  
1.4 Minnesota Statutes 2012, sections 28A.03, by adding subdivisions; 28A.15, by  
1.5 adding a subdivision; 157.15, subdivision 13; proposing coding for new law  
1.6 in Minnesota Statutes, chapter 28A.

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

1.8 Section 1. Minnesota Statutes 2012, section 28A.03, is amended by adding a  
1.9 subdivision to read:

1.10 Subd. 11. **Farmers' market.** "Farmers' market" means an association of three or  
1.11 more persons who assemble at a defined public location that is open to the public for the  
1.12 purpose of selling directly to the consumer the products of a farm or garden occupied and  
1.13 cultivated by the person selling the product. This definition applies to section 28A.15.

1.14 Sec. 2. Minnesota Statutes 2012, section 28A.03, is amended by adding a subdivision  
1.15 to read:

1.16 Subd. 12. **Food product sampling.** "Food product sampling" means distributing  
1.17 to individuals at a farmers' market or community event, for promotional or educational  
1.18 purposes, small portions of a food item that include as a main ingredient a product sold by  
1.19 the vendor at the farmers' market or community event. For purposes of this subdivision,  
1.20 "small portion" means a portion that is no more than three ounces of food or beverage.

1.21 Sec. 3. Minnesota Statutes 2012, section 28A.03, is amended by adding a subdivision  
1.22 to read:

2.1 Subd. 13. **Food demonstration.** "Food demonstration" means cooking or  
2.2 preparing food products to distribute to individuals at a farmers' market for promotional  
2.3 or educational purposes.

2.4 **Sec. 4. [28A.031] FARMERS' MARKET DEFINITION; EXCEPTIONS.**

2.5 The definition of farmers' market in section 28A.03, subdivision 11, does not prohibit:

2.6 (1) a farmers' market association from establishing a definition of farmers' market  
2.7 that applies to its membership that is more restrictive than the definition in section 28A.03,  
2.8 subdivision 11; or

2.9 (2) a local government from establishing a definition of farmers' market, by ordinance  
2.10 or regulation, for farmers' markets operating within the local government's jurisdiction.

2.11 **Sec. 5.** Minnesota Statutes 2012, section 28A.15, is amended by adding a subdivision  
2.12 to read:

2.13 Subd. 2a. **Farmers' market food sampling and demonstration.** (a) Persons  
2.14 engaged in food product sampling or food product demonstrations if:

2.15 (1) the main food product or food item is a product or item of the person's farm or  
2.16 garden, which is occupied and cultivated by the person;

2.17 (2) the person is exempt from licensing under subdivision 2, 9, or 10;

2.18 (3) the person is licensed under section 28A.05; or

2.19 (4) the person is providing nutrition education at a farmers' market or community  
2.20 event.

2.21 (b) Food provided through food product sampling or food demonstrations must  
2.22 be provided at no cost to the individual.

2.23 (c) Any person conducting food product sampling or food demonstrations shall  
2.24 provide to the regulatory authority upon request the following information related to the  
2.25 food product sampling or food demonstration conducted by the person:

2.26 (1) the source of the food used in the sampling or demonstration and whether or not  
2.27 the food was produced at the person's farm or garden;

2.28 (2) the type and volume of food to be served, held, prepared, packaged, or otherwise  
2.29 provided for human consumption;

2.30 (3) the equipment used to serve, hold, prepare, package, or otherwise provide food  
2.31 for human consumption;

2.32 (4) the time period and location of the food product sampling or food demonstration;

2.33 (5) the availability of facilities for hand washing by persons conducting the food  
2.34 product sampling or food demonstrations;

3.1 (6) information on facilities available for ware washing of multiuse utensils and  
3.2 equipment;

3.3 (7) the available source of water; and

3.4 (8) methods of liquid and solid waste disposal.

3.5 (d) Any person conducting food product sampling or food demonstrations shall meet  
3.6 the same food safety and equipment standards that are required of a special event food  
3.7 stand in Minnesota Rules, parts 4626.1855, items B to O, Q, and R; and 4626.0330.

3.8 Sec. 6. Minnesota Statutes 2012, section 157.15, subdivision 13, is amended to read:

3.9 Subd. 13. **Seasonal temporary food stand.** (a) "Seasonal temporary food  
3.10 stand" means a food and beverage service establishment that is a food stand which is  
3.11 disassembled and moved from location to location, but which operates for no more than  
3.12 21 days annually at any one location, except as provided in paragraph (b).

3.13 (b) A seasonal temporary food stand may operate for more than 21 days annually at  
3.14 any one place with the approval of the regulatory authority, as defined in Minnesota Rules,  
3.15 part 4626.0020, subpart 70, that has jurisdiction over the seasonal temporary food stand.