

A bill for an act
relating to health; modifying an exemption to the food, beverage, and lodging
establishments statutes; amending Minnesota Statutes 2010, section 157.22.

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

Section 1. Minnesota Statutes 2010, section 157.22, is amended to read:

157.22 EXEMPTIONS.

This chapter does not apply to:

(1) interstate carriers under the supervision of the United States Department of
Health and Human Services;

(2) any building constructed and primarily used for religious worship, or any
property owned or leased by a church;

(3) any building owned, operated, and used by a college or university in accordance
with health regulations promulgated by the college or university under chapter 14;

(4) any person, firm, or corporation whose principal mode of business is licensed
under sections 28A.04 and 28A.05, is exempt at that premises from licensure as a food
or beverage establishment; provided that the holding of any license pursuant to sections
28A.04 and 28A.05 shall not exempt any person, firm, or corporation from the applicable
provisions of this chapter or the rules of the state commissioner of health relating to
food and beverage service establishments;

(5) family day care homes and group family day care homes governed by sections
245A.01 to 245A.16;

(6) nonprofit senior citizen centers for the sale of home-baked goods;

(7) fraternal, sportsman or patriotic organizations that are tax exempt under section
501(c)(3), 501(c)(4), 501(c)(6), 501(c)(7), 501(c)(10), or 501(c)(19) of the Internal

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Revenue Code of 1986, or organizations related to or affiliated with such fraternal, sportsman or patriotic organizations. ~~Such organizations may organize events at which home-prepared food is donated by organization members for sale at the events, provided:~~

~~(i) the event is not a circus, carnival, or fair;~~
~~(ii) the organization controls the admission of persons to the event, the event agenda, or both; and~~

~~(iii) the organization's licensed kitchen is not used in any manner for the event;~~

(8) food not prepared at an establishment and brought in by individuals attending a potluck event for consumption at the potluck event. An organization sponsoring a potluck event under this clause may advertise the potluck event to the public through any means. Individuals who are not members of an organization sponsoring a potluck event under this clause may attend the potluck event and consume the food at the event. Licensed food establishments other than schools cannot be sponsors of potluck events. A school may sponsor and hold potluck events in areas of the school other than the school's kitchen, provided that the school's kitchen is not used in any manner for the potluck event. For purposes of this clause, "school" means a public school as defined in section 120A.05, subdivisions 9, 11, 13, and 17, or a nonpublic school, church, or religious organization at which a child is provided with instruction in compliance with sections 120A.22 and 120A.24. Potluck event food shall not be brought into a licensed food establishment kitchen;

(9) a home school in which a child is provided instruction at home;

(10) ~~concession stands operated in conjunction with school-sponsored events on school property are exempt from the 21-day restriction~~ school concession stands as defined in section 157.15; and

(11) group residential facilities of ten or fewer beds licensed by the commissioner of human services under Minnesota Rules, chapter 2960, provided the facility employs or contracts with a certified food manager under Minnesota Rules, part 4626.2015.