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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 910

02/16/2015 Authored by Newberger and Kahn
The bill was read for the first time and referred to the Committee on Agriculture Policy

1.1 A bill for an act
1.2 relating to agriculture; modifying licensing exclusions for the direct sale of certain
1.3 prepared food; amending Minnesota Statutes 2014, section 28A.15, subdivision 9.

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

1.5 Section 1. Minnesota Statutes 2014, section 28A.15, subdivision 9, is amended to read:

1.6 Subd. 9. ~~Community event or farmers' market~~ Direct sales to individuals. (a)

1.7 For the purposes of this subdivision, the term "not potentially hazardous food" means food
1.8 that is not defined as potentially hazardous food in rules adopted under section 31.11,
1.9 including, but not limited to:

- 1.10 (1) food that requires no refrigeration;
- 1.11 (2) baked goods that do not contain potentially hazardous food;
- 1.12 (3) candy that does not contain potentially hazardous food;
- 1.13 (4) granola and other dry cereal;
- 1.14 (5) dried pasta;
- 1.15 (6) popcorn;
- 1.16 (7) waffle cones;
- 1.17 (8) pizzelles;
- 1.18 (9) nut mixes;
- 1.19 (10) chocolate-covered nonperishable food, such as nuts and dried fruit;
- 1.20 (11) roasted coffee;
- 1.21 (12) dry baking mixes;
- 1.22 (13) herb blends; and
- 1.23 (14) dried tea.

2.1 **(b)** An individual who prepares and sells food that is not potentially hazardous food;
2.2 as defined in rules adopted under section 31.11, may sell the food directly to an individual
2.3 consumer, including sales at a community event or farmers' market. An individual selling
2.4 food under this paragraph is limited to total sales with gross receipts of \$5,000 \$10,000
2.5 or less in a calendar year from the prepared food items.

2.6 **(c)** An individual who has attended a food manager course and has passed a food
2.7 manager test recognized by the commissioner may prepare food that is not potentially
2.8 hazardous food and sell the prepared food directly to an individual consumer, including
2.9 sales at a community event or farmers' market. An individual selling food under this
2.10 paragraph is limited to total sales with gross receipts of \$26,000 or less in a calendar
2.11 year from the prepared food items.

2.12 **(d)** If the food is not prepared in a kitchen that is licensed or inspected, the seller
2.13 must post a visible sign or placard stating that: "These products are homemade and not
2.14 subject to state inspection." Prepared foods sold under this subdivision must be labeled
2.15 to accurately reflect the name and address of the person preparing and selling the foods,
2.16 and include a list of all ingredients and possible allergens.