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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. **910**

02/16/2015 Authored by Newberger, Kahn and Metsa

The bill was read for the first time and referred to the Committee on Agriculture Policy

03/12/2015 Adoption of Report: Amended and re-referred to the Committee on Agriculture Finance

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, from the home directly from the producer**
2.4 **to the purchaser or farmers' market. An individual selling food under this paragraph is**
2.5 **limited to total sales with gross receipts of \$5,000 \$8,000 or less in a calendar year from**
2.6 **the prepared food items. The individual must register annually with the commissioner, at**
2.7 **no cost. The individual must complete a safe food handling course that has been approved**
2.8 **by the commissioner. This course shall not exceed four hours in length. This course shall**
2.9 **not cost more than \$40. This course may be offered online or by other means.**

2.10 **(c) An individual who has gross receipts of sales over \$8,000 up to \$18,000 in**
2.11 **a calendar year may sell food directly to an individual consumer, including sales at a**
2.12 **community event, from the home directly from the producer to the purchaser or farmers'**
2.13 **market. The producer, with sales over \$8,000 in a calendar year, must register annually**
2.14 **with the commissioner. The registration fee shall not exceed \$40. The individual shall**
2.15 **also be required to complete a safe food handling course, as described in paragraph (a).**

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

2.21 **(e) Products may be delivered in person to the end purchaser.**

2.22 **(f) Products may be sold over the Internet but must be delivered in person.**

2.23 **(g) In cases of suspected food borne illness, established Department of Health**
2.24 **guidelines shall be followed. Inspections shall only be in the areas directly involved in**
2.25 **the preparation and storage of the food in question. All inspections shall be done with a**
2.26 **24-hour notice, in advance, to the food preparer.**