

(SENATE AUTHORS: NIENOW)

DATE	D-PG	OFFICIAL STATUS
04/07/2011	1237	Introduction and first reading Referred to Agriculture and Rural Economies

A bill for an act
relating to agriculture; permitting certain sales of certain food products by
farmers; amending Minnesota Statutes 2010, section 32.393, subdivision 1.
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2010, section 32.393, subdivision 1, is amended to read:

Subdivision 1. **Pasteurization.** (a) No milk, fluid milk products, goat milk, or
sheep milk shall be sold, advertised, offered or exposed for sale or held in possession
for sale for the purpose of human consumption in fluid form in this state unless the
same has been pasteurized and cooled, as defined in section 32.391; ~~provided, that this
section shall not apply to milk, cream, skim milk, goat milk, or sheep milk occasionally
secured or purchased for personal use by any consumer at the place or farm where the
milk is produced.~~

(b) When a purchase, sale, agreement to secure, or advertisement is made directly
between a person who occupies and cultivates the products of the farm where the
product is produced and a willing buyer, the fluid raw milk products intended for human
consumption, including milk, cream, skim milk, goat milk, or sheep milk, and raw milk
products such as cream, butter, cottage cheese, ice cream, yogurt, and aged or not aged raw
milk cheese or other food products produced on the farm, are exempt from pasteurization
and are not prohibited from production, sale, or delivery directly to consumers.

(c) For purposes of this subdivision, "direct farm-to-consumer sales and delivery"
means production and sales at the farm and sales to, and delivery at, farmer's markets,
farm stands, private buying clubs, consumer share groups, community fairs, a
consumer's residence, or a designated delivery location for multiple consumers. Direct
farm-to-consumer sales and deliveries of products are considered private contracts

2.1 between a consenting farmer and consumer. Direct farm-to-consumer sales and delivery
2.2 of raw milk or raw milk products listed in paragraph (b) made off the farm premises and
2.3 intended for human consumption must be made by and between the seller farmer or by
2.4 an agent of the seller farmer under the seller farmer's direct authority and the buyer or
2.5 buyer's agent under the buyer's direct authority. A buyer may also contract with a seller
2.6 to provide delivery location necessities to facilitate delivery of products or space for the
2.7 farmer's product needs.

2.8 (d) Before milk or fluid milk products, goat milk, or sheep milk sold or secured on
2.9 the farm, leave the farm, a consumer product safety label must be affixed to the product
2.10 container that includes the following:

2.11 (1) the name of the farmer or producer;

2.12 (2) the container contents and product ingredients;

2.13 (3) a statement that: "This product is "raw" and "unpasteurized""; and

2.14 (4) a statement that: "Pasteurization is not required in Minnesota for raw milk, raw
2.15 milk products, or other products intended for human consumption, that are cultivated or
2.16 produced on the farm and sold or secured on the farm, or that leave the farm under direct
2.17 farm-to-consumer sales and delivery contracts."