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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 2178

02/25/2014 Authored by Barrett and Laine

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 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 for the purpose of selling directly
1.12 to the consumer the products of a farm or garden occupied and cultivated by the person
1.13 selling the product.

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, for promotional or educational purposes, small
1.18 portions of a food item that include as a main ingredient a product sold by the vendor at
1.19 the farmers' market.

1.20 Sec. 3. Minnesota Statutes 2012, section 28A.03, is amended by adding a subdivision
1.21 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] LOCAL GOVERNMENT FARMERS' MARKET;**
2.5 **DEFINITION.**

2.6 The definition of farmers' market in section 28A.03, subdivision 11, does not
2.7 prohibit a local government from establishing a definition of farmers' market for farmers'
2.8 markets operating within the local government's jurisdiction by ordinance or regulation
2.9 that is more restrictive than the definition in section 28A.03, subdivision 11.

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

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

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

2.16 (2) the person is licensed under section 28A.05;

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

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

2.20 (c) Any person engaged in food product sampling or food demonstration must
2.21 meet the same food safety and equipment standards as required by Minnesota Rules,
2.22 part 4626.1855.

2.23 (d) Food provided through food product sampling or food demonstration must
2.24 be provided at no cost to the individual.

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

2.26 Subd. 13. **Seasonal temporary food stand.** (a) "Seasonal temporary food
2.27 stand" means a food and beverage service establishment that is a food stand which is
2.28 disassembled and moved from location to location, but which operates for no more than
2.29 21 days annually at any one location, except as provided in paragraph (b).

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