

**SENATE**  
**STATE OF MINNESOTA**  
**EIGHTY-EIGHTH SESSION**

**S.F. No. 2060**

(SENATE AUTHORS: LOUREY and Jensen)

DATE	D-PG	OFFICIAL STATUS
02/27/2014	5891	Introduction and first reading Referred to Jobs, Agriculture and Rural Development
03/06/2014	6008	Author added Jensen
03/26/2014	6846a	Comm report: To pass as amended
	6864	Second reading
04/01/2014		Special Order: Amended Third reading Passed

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, section 157.15, subdivision 13; proposing coding for  
 1.5 new law in Minnesota Statutes, chapter 28A.

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

1.7 Section 1. **[28A.151] FARMERS' MARKET OR COMMUNITY EVENT; FOOD**  
 1.8 **PRODUCT SAMPLING AND DEMONSTRATION.**

1.9 Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms  
 1.10 have the meanings given them.

1.11 (b) "Farmers' market" means an association of three or more persons who assemble  
 1.12 at a defined public location that is open to the public for the purpose of selling directly  
 1.13 to the consumer the products of a farm or garden occupied and cultivated by the person  
 1.14 selling the product.

1.15 (c) "Food product sampling" means distributing to individuals at a farmers' market  
 1.16 or community event, for promotional or educational purposes, small portions of a food  
 1.17 item that include as a main ingredient a product sold by the vendor at the farmers' market  
 1.18 or community event. For purposes of this subdivision, "small portion" means a portion  
 1.19 that is no more than three ounces of food or beverage.

1.20 (d) "Food product demonstration" means cooking or preparing food products to  
 1.21 distribute to individuals at a farmers' market or community event for promotional or  
 1.22 educational purposes.

1.23 Subd. 2. **Food sampling and demonstration.** The licensing provisions of sections  
 1.24 28A.01 to 28A.16 shall not apply to persons engaged in food product sampling or food  
 1.25 product demonstrations.

2.1 Subd. 3. **Food required to be provided at no cost.** Food provided through food  
2.2 product sampling or food product demonstrations must be provided at no cost to the  
2.3 individual.

2.4 Subd. 4. **Regulatory authority oversight.** Any person conducting food product  
2.5 sampling or food product demonstrations shall provide to the regulatory authority upon  
2.6 request the following information related to the food product sampling or food product  
2.7 demonstration conducted by the person:

2.8 (1) the source of the food used in the sampling or demonstration and whether or not  
2.9 the food was produced at the person's farm or garden;

2.10 (2) the type and volume of food to be served, held, prepared, packaged, or otherwise  
2.11 provided for human consumption;

2.12 (3) the equipment used to serve, hold, prepare, package, or otherwise provide food  
2.13 for human consumption;

2.14 (4) the time period and location of the food product sampling or food product  
2.15 demonstration;

2.16 (5) the availability of facilities for hand washing by persons conducting the food  
2.17 product sampling or food product demonstrations;

2.18 (6) information on facilities available for ware washing of multiuse utensils and  
2.19 equipment;

2.20 (7) the available source of water; and

2.21 (8) methods of liquid and solid waste disposal.

2.22 Subd. 5. **Food safety and equipment standards.** Any person conducting food  
2.23 product sampling or food product demonstrations shall meet the same food safety and  
2.24 equipment standards that are required of a special event food stand in Minnesota Rules,  
2.25 parts 4626.1855, items B to O, Q, and R; and 4626.0330.

2.26 Subd. 6. **Definition exception.** The definition of farmers' market in subdivision  
2.27 1, paragraph (b), does not prohibit a farmers' market association from establishing a  
2.28 definition of farmers' market that applies to its membership that is more restrictive than  
2.29 the definition in subdivision 1, paragraph (b).

2.30 **EFFECTIVE DATE.** This section is effective the day following final enactment.

2.31 Sec. 2. Minnesota Statutes 2012, section 157.15, subdivision 13, is amended to read:

2.32 Subd. 13. **Seasonal temporary food stand.** (a) "Seasonal temporary food  
2.33 stand" means a food and beverage service establishment that is a food stand which is  
2.34 disassembled and moved from location to location, but which operates for no more than  
2.35 21 days annually at any one location, except as provided in paragraph (b).

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

3.4            **EFFECTIVE DATE.** This section is effective the day following final enactment.