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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 1167

02/01/2023

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

1.1 A bill for an act

1.2 relating to agriculture; permitting registered small farm producers to sell fluid raw

1.3 milk and fluid raw milk products to consumers under certain circumstances;

1.4 amending Minnesota Statutes 2022, section 32D.20, subdivision 1; proposing

1.5 coding for 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.154] RAW MILK SALES BY SMALL FARM PRODUCERS.

1.8 Subdivision 1. Licensing provisions; applicability. The licensing provisions of sections

1.9 28A.01 to 28A.16 do not apply to an individual who cultivates and sells fluid raw milk or

1.10 raw milk products, including milk, cream, skim milk, goat milk, sheep milk, cream, butter,

1.11 cottage cheese, ice cream, yogurt, and aged and not aged raw milk cheese, if the following

1.12 requirements are met:

1.13 (1) the individual who cultivates and sells fluid raw milk or raw milk products has a

1.14 farm with less than 12 animal units. One animal unit consists of one mature cow, five mature

1.15 goats, or five mature sheep;

1.16 (2) the fluid raw milk or raw milk products offered for sale under this subdivision are

1.17 labeled to accurately reflect the name, registration number, and address of the individual

1.18 or farm that cultivated the food, the date on which the food was produced, and the statement,

1.19 "These are raw milk products that are not subject to state inspection."; and

1.20 (3) the individual who cultivates and sells fluid raw milk or raw milk products displays

1.21 at the point of sale a clearly legible sign or placard stating, "These are raw milk products

1.22 that are not subject to state inspection."

2.1 Subd. 2. **Direct sales to consumers.** An individual qualifying for an exemption under
 2.2 subdivision 1 may sell exempt fluid raw milk or raw milk products:

2.3 (1) directly from the individual's home to the ultimate consumer, to the extent allowed
 2.4 by local ordinance; or

2.5 (2) directly to the ultimate consumer at a community event or farmers' market.

2.6 Subd. 3. **Registration.** (a) An individual who prepares and sells exempt fluid raw milk
 2.7 or raw milk products under subdivision 1 must register annually with the commissioner on
 2.8 forms approved by the commissioner. A tier one registration has no registration fee and
 2.9 covers raw milk and raw milk product sales of up to \$5,000 per calendar year. A tier two
 2.10 registration has a \$50 registration fee and covers raw milk and raw milk product sales
 2.11 totaling up to \$78,000 in sales per calendar year.

2.12 (b) When registering with the commissioner, an individual must provide the commissioner
 2.13 with proof that:

2.14 (1) the individual completed a class on food safety, animal health, and safe milk handling
 2.15 that has been approved by the commissioner; and

2.16 (2) all animals on the individual's farm tested negative for tuberculosis and brucellosis
 2.17 and a veterinarian administered all testing within 15 days of the registration request.

2.18 (c) The commissioner must register an individual within 30 days of receiving the
 2.19 individual's complete registration as long as the individual meets the requirements of this
 2.20 subdivision.

2.21 (d) An individual who is registered under this subdivision is not subject to the
 2.22 pasteurization requirements in section 32D.20.

2.23 Sec. 2. Minnesota Statutes 2022, section 32D.20, subdivision 1, is amended to read:

2.24 Subdivision 1. **Pasteurization.** No milk or fluid milk products shall be sold, offered or
 2.25 exposed for sale, or held in possession for sale for the purpose of human consumption in
 2.26 fluid form in this state unless the milk or fluid milk product has been pasteurized, as defined
 2.27 in section 32D.01, subdivision 15, and cooled, provided that this section shall not apply to:
 2.28 (1) milk, cream, or skim milk occasionally secured or purchased for personal use by a
 2.29 consumer at the place or farm where the milk is produced; and (2) fluid raw milk and raw
 2.30 milk products sold by individuals registered under section 28A.154, subdivision 3.