

SENATE
STATE OF MINNESOTA
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S.F. No. 2190

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DATE	D-PG	OFFICIAL STATUS
03/03/2014	5925	Introduction and first reading Referred to Jobs, Agriculture and Rural Development
03/06/2014	6009	Authors added Rest; Reinert

A bill for an act
relating to food safety; providing a definition of farmers' market; permitting
food product sampling and demonstration in certain circumstances; amending
Minnesota Statutes 2012, sections 28A.03, by adding subdivisions; 28A.15, by
adding a subdivision; 157.15, subdivision 13; proposing coding for new law
in Minnesota Statutes, chapter 28A.

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

Section 1. Minnesota Statutes 2012, section 28A.03, is amended by adding a
subdivision to read:

Subd. 11. **Farmers' market.** "Farmers' market" means an association of three or
more persons who assemble at a defined public location for the purpose of selling directly
to the consumer the products of a farm or garden occupied and cultivated by the person
selling the product.

Sec. 2. Minnesota Statutes 2012, section 28A.03, is amended by adding a subdivision
to read:

Subd. 12. **Food product sampling.** "Food product sampling" means distributing
to individuals at a farmers' market, for promotional or educational purposes, small
portions of a food item that include as a main ingredient a product sold by the vendor at
the farmers' market.

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

2.5 The definition of farmers' market in section 28A.03, subdivision 11, does not
2.6 prohibit a farmers' market association from establishing a definition of farmers' market
2.7 that applies to its membership that is more restrictive than the definition in section 28A.03,
2.8 subdivision 11.

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

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

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

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

2.16 (3) the person is providing nutrition education at a farmers' market or community
2.17 event.

2.18 (b) Food provided through food product sampling or food demonstrations must
2.19 be provided at no cost to the individual.

2.20 (c) Any person conducting food product sampling or food demonstrations shall
2.21 provide to the regulatory authority upon request the following information related to the
2.22 food product sampling or food demonstration conducted by the person:

2.23 (1) the source of the food used in the sampling or demonstration;

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

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

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

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

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

2.33 (7) the available source of water; and

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

3.1 (d) Any person conducting food product sampling or food demonstrations shall meet
3.2 the same food safety and equipment standards that are required of a special event food
3.3 stand in Minnesota Rules, parts 4626.1855, items B to O, Q, and R; and 4626.0330.

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

3.5 Subd. 13. **Seasonal temporary food stand.** (a) "Seasonal temporary food
3.6 stand" means a food and beverage service establishment that is a food stand which is
3.7 disassembled and moved from location to location, but which operates for no more than
3.8 21 days annually at any one location, except as provided in paragraph (b).

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