

**SENATE  
STATE OF MINNESOTA  
NINETY-FIRST SESSION**

**S.F. No. 4436**

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OFFICIAL STATUS  
Introduction and first reading  
Referred to Health and Human Services Finance and Policy

1.1 A bill for an act  
1.2 relating to health; authorizing food and beverage service establishments to fill  
1.3 consumer-owned take-home containers; permitting the use of multiuse utensils by  
1.4 certain food stands; proposing coding for new law in Minnesota Statutes, chapter  
1.5 157.

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

1.7 Section 1. **[157.173] FOOD ESTABLISHMENTS; FILLING CONSUMER-OWNED**  
1.8 **TAKE-HOME CONTAINERS.**

1.9 Subdivision 1. Definitions. (a) The definitions in this subdivision apply to this section.

1.10 (b) "Food establishment" has the meaning given in Minnesota Rules, part 4626.0020,  
1.11 subpart 35.

1.12 (c) "Food processing plant" has the meaning given in Minnesota Rules, part 4626.0020,  
1.13 subpart 36.

1.14 Subd. 2. Consumer-owned take-home containers. (a) Except as specified in paragraph  
1.15 (b) and Minnesota Rules, part 4626.0295, item C, D, or E, empty containers returned to a  
1.16 food establishment for cleaning and refilling with food must be cleaned and refilled in a  
1.17 regulated food processing plant.

1.18 (b) A take-home food container that is owned by a consumer and brought by the consumer  
1.19 to a food establishment may be filled with food at the food establishment and returned to  
1.20 the same consumer, if the food container is:

1.21 (1) designed and constructed for reuse and in accordance with the requirements in  
1.22 Minnesota Rules, parts 4626.0450, 4626.0505, and 4626.0515;

2.1 (2) cleaned by the food establishment or by the consumer prior to filling. If cleaned by  
2.2 the consumer, an employee of the food establishment must visually inspect the container  
2.3 prior to filling it to verify that it is clean; and

2.4 (3) filled by an employee of the food establishment or by the consumer.

2.5 **Subd. 3. Serving surface; procedures to prevent cross-contamination and address**  
2.6 **waste water disposal.** When an employee of a food establishment or the consumer fills a  
2.7 consumer-owned container under this section, the food establishment must either isolate  
2.8 the consumer-owned containers from the serving surface or sanitize the serving surface  
2.9 after each consumer-owned container is filled on the serving surface. The food establishment  
2.10 must comply with requirements in Minnesota Rules, chapter 4626, to prevent  
2.11 cross-contamination and to address waste water disposal.

2.12 **Sec. 2. [157.174] FOOD STANDS; SINGLE-SERVICE ARTICLES.**

2.13 (a) The definitions in this subdivision apply to this section.

2.14 (b) "Food establishment" has the meaning given in Minnesota Rules, part 4626.0020,  
2.15 subpart 35.

2.16 (c) "Single-service article" has the meaning given in Minnesota Rules, part 4626.0020,  
2.17 subpart 81.

2.18 (d) Except as provided in paragraph (c), a seasonal permanent food stand, seasonal  
2.19 temporary food stand, or special event food stand must provide only single-service articles  
2.20 for use by consumers.

2.21 (e) If warranted based on local environmental conditions, location, the type and number  
2.22 of food utensils used by consumers, the availability of water for washing utensils, and waste  
2.23 water capacity, the commissioner or a community health board, county, or city if the  
2.24 community health board, county, or city has the authority under a delegation agreement to  
2.25 enforce this chapter, may allow a seasonal permanent food stand, seasonal temporary food  
2.26 stand, or special event food stand to use multiuse utensils that are cleaned, rinsed, and  
2.27 sanitized according to Minnesota Rules, parts 4626.0840 to 4626.0905, either at a food  
2.28 establishment or at the seasonal permanent food stand, seasonal temporary food stand, or  
2.29 special event food stand.