

MINNESOTA STATUTES 1975 SUPPLEMENT

CONSOLIDATED FOOD LICENSING LAW 28A.03

days in advance. When any such agreement shall terminate by action of either party thereto, the commissioner shall pay to the depositor any moneys remaining to his credit after the deduction of the costs at the time such agreement terminates.

[1975 c 204 s 97]

27.19 Violations, penalties.

Any person subject to the provisions of sections 27.01 to 27.15 and 27.19 who shall:

(1) Operate or advertise to operate as a dealer at wholesale without a license; or

(2) Make any false statement or report as to the grade, condition, markings, quality, or quantity of produce, as defined in section 27.069, received or delivered, or act in any manner so as to deceive the consignor or purchaser thereof; or

(3) Refuse to accept any shipment contracted for by him, unless such refusal is based upon the showing of a state inspection certificate secured with reasonable promptness after the receipt of such shipment showing that the kind and quality of produce, as defined in section 27.069, is other than that purchased or ordered by him; or

(4) Fail to account for produce or to make settlement therefor within the time herein limited; or who shall violate or fail to comply with the terms or conditions of any contract entered into by him for the purchase or sale of produce; or

(5) Purchase for his own account any produce received on consignment, either directly or indirectly, without the consent of the consignor; or

(6) Issue any false or misleading market quotations, or who shall cancel any quotations during the period advertised by him; or

(7) Increase the sales charges on produce shipped to him by means of "dummy" or fictitious sales; or

(8) Receive decorative forest products and the products of farms and waters from foreign states or countries for sale or re-sale, either within or without the state, and give the purchaser the impression, through any method of advertising or description, that the produce is of Minnesota origin; or

(9) Whoever shall violate any provisions of sections 27.01 to 27.15 and 27.19, or any rule or regulation made or published thereunder by the commissioner, shall be guilty of a misdemeanor and his license may be forthwith suspended, revoked, or canceled by the commissioner, upon ten days notice and opportunity to be heard; but, upon conviction of any such offense, or upon conviction in any federal court for violation of the federal statutes relative to the fraudulent use of the mails, or conviction in any court of other criminal acts under any federal food or drug statute, or any statute of this state administered by the commissioner of agriculture, pertaining to the conduct of his business, the commissioner may forthwith revoke and cancel the license of the person so convicted. Each day a person violates any provisions of sections 27.01 to 27.15 and 27.19, or any rule or regulation published thereunder by the commissioner, shall constitute a separate offense.

[1975 c 227 s 9]

CHAPTER 28A. CONSOLIDATED FOOD LICENSING LAW

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28A.03 Definitions.

As used in sections 28A.01 to 28A.16 the terms defined in this section

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shall have the following meanings:

(a) "Commissioner" means the commissioner of agriculture of the state of Minnesota.

(b) "Person" means any individual, firm, corporation, company, association, cooperative or partnership and includes any trustee, receiver, assignee or other similar representative thereof.

(c) "Place of business" means every location where food or food items are manufactured, processed, sold, stored or handled, including buildings, locations, permanent or portable structures, carnivals, circuses, fairs, or any other permanent or temporary location.

(1) Any vehicle or similar mobile unit from which food is sold shall be considered a place of business for purposes of this section if the food therefrom has been manufactured, packaged or dispensed from bulk, or processed in any manner thereon.

(2) Each location which is identified by a separate address, at which one or more vending machines which process or dispense food are located shall be considered a separate place of business for the purposes of this section.

(d) "Food" includes every article used for, entering into the consumption of, or used or intended for use in the preparation of food, drink, confectionery, or condiment for man, whether simple, mixed or compound.

(1) "Perishable food" is food which includes, but is not limited to fresh fruits, fresh vegetables, and other products which need protection from extremes of temperatures in order to avoid decomposition by microbial growth or otherwise.

(2) "Readily perishable food" is food or a food ingredient consisting in whole or in part of milk, milk products, eggs, meat, fish, poultry or other food or food ingredient which is capable of supporting rapid and progressive growth of infectious or toxigenic micro-organisms.

(3) "Frozen food" is food which is processed and preserved by freezing in accordance with good commercial practices and which is intended to be sold in the frozen state.

(4) For the purposes of this definition, packaged food in hermetically sealed containers processed by heat to prevent spoilage; packaged pickles; jellies, jams and condiments in sealed containers; bakery products such as bread, rolls, buns, donuts, fruit-filled pies and pastries; dehydrated packaged food; and dry or packaged food so low in moisture content as to preclude development of micro-organisms are not "perishable food", "readily perishable food", or "frozen food" within the meaning of definitions (1), (2) and (3) herein when they are stored and handled in accordance with good commercial practices.

(e) "Sell and sale" includes the keeping, offering, or exposing for sale, use, transporting, transferring, negotiating, soliciting, or exchange of food, the having in possession with intent to sell, use, transport, negotiate, solicit, or exchange the same and the storing, or carrying thereof in aid of traffic therein whether done or permitted in person or through others.

(f) "Principal mode of business" means that type of business described under either (a), (b), (c) or (d) in section 28A.05 within which category the greatest amount of the applicant's food business lies.

[1975 c 412 s 9]

28A.04 License required; applications; renewals.

No person shall engage in the business of manufacturing, processing, selling, handling, or storing food whether at wholesale or retail without having first obtained from the commissioner a license for doing such business. Applications for such license shall be made to the commissioner in such manner and time as required and upon such forms as provided by the commissioner and shall contain the name and address of the applicant, address or description of each place of business, and the nature of the business to be conducted at each place, and such other pertinent information as the commissioner may require.

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A retail or wholesale food handler license shall be issued for the period July 1 to June 30 following and shall be renewed thereafter by the licensee on or before July 1 each year. A license for a food broker or for a food processor or manufacturer shall be issued for the period January 1 to December 31 following and shall be renewed thereafter by the licensee on or before January 1 of each year. A penalty for a late renewal shall be assessed in accordance with section 28A.08.

[1975 c 412 s 10]

28A.05 Classification.

All persons required to have a license under section 28A.04 shall be classified into one of the following classes of food handlers, according to their principal mode of business.

(a) Retail food handlers are persons who sell or process and sell food directly to the ultimate consumer or who custom process meat or poultry. The term includes a person who sells food directly to the ultimate consumer through the use of coin actuated vending machines, unless excluded by section 28A.15, subdivision 6.

(b) Wholesale food handlers are persons who sell to others for resale. A person who handles food in job lots (jobbers) is included in this classification.

(c) Wholesale food processors or manufacturers are persons who process or manufacture raw materials and other food ingredients into food items, or who reprocess food items, or who package food for sale to others for resale, or who commercially slaughter animals or poultry. Included herein are persons who can, extract, ferment, distill, pickle, bake, freeze, dry, smoke, grind, mix, stuff, pack, bottle, recondition, or otherwise treat or preserve food for sale to others for resale, cold storage warehousemen as defined in section 28.01, subdivision 3, salvage food processors as defined in section 31.495, subdivision 1, dairy plants as defined in section 32.01, subdivision 6, nonresident manufacturers of frozen foods as described in section 32.59, and nonresident manufacturers or distributors of nonalcoholic beverages as described in section 34.05.

(d) A food broker is a person who buys and sells food and who negotiates between a buyer and a seller of food, but who at no time has custody of the food being bought and sold.

[1975 c 412 s 11]

28A.08 License fees; penalties.

The fees for licenses and the penalties for late renewal thereof prescribed herein shall apply to the sections named except as provided under section 28A.09. Except as specified herein, bonds and assessments based on number of units operated or volume handled or processed which are provided for in said laws shall not be affected, nor shall any penalties for late payment of said assessments, nor shall inspection fees, be affected by chapter 28A.

Type of food handler	License Fee	Penalty
1. Retail food handler		
(a) Having gross sales of less than \$250,000 for the immediately previous license or fiscal year	\$15	\$5
(b) Having \$250,000 to \$1,000,000 gross sales for the immediately previous license or fiscal year	\$30	\$10
(c) Having over \$1,000,000 gross sales for the immediately previous license or fiscal year	\$50	\$15
2. Wholesale food handler	\$30	\$10
3. Food broker	\$15	\$5
4. (a) Wholesale food processor		

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or manufacturer	\$100	\$30
(b) Wholesale food processor of meat or poultry products under supervision of the U.S. Department of Agriculture	\$50	\$15

[1975 c 412 s 12]

28A.15 Exclusions.

[For text of subds 1 to 4, see M.S.1974]

Subd. 5. Persons whose principal mode of business is licensed under section 157.03; provided that the holding of any license pursuant to section 157.03 shall not exempt any person from the applicable requirements of the laws and regulations administered by the commissioner, as they relate to composition, standards of identity, adulteration, labeling or misbranding of food.

[1975 c 412 s 13]

[For text of subds 6 to 8, see M.S.1974]

CHAPTER 29. POULTRY, EGGS

Sec.
29.011 Repealed.
29.013 Repealed.

Sec.
29.021 Powers and duties of commissioner of
agriculture.

29.011 [Repealed, 1975 c 61 s 26]

29.013 [Repealed, 1975 c 61 s 26]

29.021 Powers and duties of commissioner of agriculture.

The commissioner of agriculture shall have the power to employ such persons as are necessary to carry out the provisions of sections 29.021 to 29.091, and to fix all salaries and provide for expenses generally not inconsistent with law. The commissioner is authorized and directed to formulate and adopt plans whereby owners of poultry flocks and poultry breeding flocks may, upon application, have their flocks culled, inspected, and supervised, to the end that these flocks may be accredited and certified for standard type and egg quality and production; and likewise, poultry hatcheries and dealers may be accredited and certified as hatching and selling products produced only from accredited and certified flocks. The commissioner is authorized to make, publish, and enforce rules and regulations to these ends, not inconsistent with law, and to define, prescribe, and authorize the use of uniform terminology to apply to varying degrees of accreditation and certification. The commissioner is authorized to adopt the "standard breeding plan" of accreditation and certification sponsored by the United States department of agriculture, or any other plan, and to cooperate with that department in matters of poultry improvement, egg quality and production. The commissioner is authorized to prescribe and collect fees for inspection and supervision, and to prescribe and furnish labels, leg bands, and certificates of accreditation and certification and such other supplies as may be necessary, and to prescribe and collect fees for the same. Fees shall be fixed by the commissioner at the beginning of each fiscal year and reviewed and adjusted, if necessary, at the end of each six month period in order that the fees prescribed shall, insofar as practicable, cover the cost of all services rendered. The commissioner is authorized to do such other things as he may deem needful and expedient to improve poultry breeding and practices and egg quality and production and to give effect to sections 29.021 to 29.091, in connection with those parties who wish to comply with the programs promulgated in accordance with this section.

[1975 c 204 s 71]