

MINNESOTA STATUTES 1977 SUPPLEMENT

CONSOLIDATED FOOD LICENSING LAW 28A.03

duce subject to sale at such marketing points within the state as the commissioner may designate.

Subd. 2. The commissioner shall provide for the issuing of certificates of inspection showing the grade, quality, and conditions of the produce, and may charge and collect a reasonable fee therefor, a schedule thereof to be adopted and published from time to time. Such certificates of inspection shall be prima facie evidence in all courts of this state as to the grade, quality, and condition of the produce at the time the inspection was made.

Subd. 3. When any person having produce desires to have it inspected he may apply to the commissioner for the service of an inspector and, if it appears to the commissioner that the volume of the produce is sufficient to justify the request, he may grant the service upon terms and conditions fixed by him and this section.

Subd. 4. The commissioner may require an agreement, prior to the establishment of the inspection service, requiring the user of the inspection service to at all times have on deposit with the department a sufficient amount of money to pay the estimated costs of such inspection service for a period of not less than 15 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.

Subd. 5. Fees for inspection shall be determined by the commissioner and shall be reviewed and adjusted every six months. In determining the fees to be charged, the commissioner shall take into consideration fees charged in other states offering similar inspection services to the end that the fees charged will provide a competitive marketing position for Minnesota produce.

[1977 c 234 s 1]

CHAPTER 28A. CONSOLIDATED FOOD LICENSING LAW

Sec.
28A.03 Definitions.

28A.04 License required; custom processing permit applications; renewals.

Sec.
28A.06 License fees; penalties.

28A.13 Power to suspend or revoke licenses.

28A.03 Definitions.

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

MINNESOTA STATUTES 1977 SUPPLEMENT

28A.03 CONSOLIDATED FOOD LICENSING LAW

(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.

(g) A custom processor is a person who for a fee slaughters animals or processes non-inspected meat for the owner of such animals, and returns the meat products derived from such slaughter or processing to the owner. "Custom processor" shall not include a person who slaughters animals or poultry and/or processes meat for the owner of the animals or poultry on the farm or premises of the owner of such animals, meat or poultry. For the purpose of this clause, "animals" or "meat" do not include poultry or game animals or meat derived therefrom.

[1977 c 160 s 1]

28A.04 License required; custom processing permit applications; renewals.

Subdivision 1. No person shall engage in the business of manufacturing, processing, selling, handling, or storing food 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.

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.

Subd. 2. In addition to the license requirements set forth in subdivision 1, every custom processor shall obtain a custom processing permit. Application for a permit shall be made on forms provided by the commissioner. The commissioner shall cause the custom processor's place of business to be inspected and if the commissioner finds that the applicant's place of business complies with state standards relating to meat processing plants, a custom processing permit shall be issued to the applicant. No additional fee shall be charged for a custom processing permit.

[1977 c 160 s 2]

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.

MINNESOTA STATUTES 1977 SUPPLEMENT

CONSOLIDATED FOOD LICENSING LAW 28A.13

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 this chapter.

	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 or manufacturer	\$100	\$30
	(b) Wholesale food processor of meat or poultry products under supervision of the U.S. Department of Agriculture	\$50	\$15
	(c) Wholesale food manufacturer having the permission of the commissioner to use the name Minnesota farmstead cheese	\$25	\$10

[1977 c 114 s 2]

28A.13 Power to suspend or revoke licenses.

Whenever the commissioner has reason to believe that any provision of law relating to the manufacturing, processing, distribution, handling and sale of food, or regulation issued by the commissioner thereunder, has been violated, the commissioner may suspend or revoke a license or permit granted under section 28A.04, or may limit the permission of the license or permit to only those aspects of the licensee's or permittee's business which are in conformity with the law and regulations. Any person may be restrained by injunction from engaging in any business operation or category thereof for which that person is not validly licensed or for which a permit has not been issued. This suspension or revocation shall be made only after notice to the licensee or permittee and an opportunity to be heard with reference to the grounds for suspension or revocation, and this action by the commissioner shall in no way exempt such licensee or permittee from the penalties otherwise imposed in this chapter. The commissioner shall serve upon the licensee or permittee by registered letter containing a copy thereof, an order to show cause why the license or permit should not be permanently revoked, stating the grounds thereof, and the time and place of hearing, which time shall not be less than ten days after the date of mailing of the order. At the appointed time and place, and at such times as the matter may be adjourned to, the commissioner, or his appointed hearing officer, shall hear all proper evidence relating to the cause of the proposed revocation and, within a reasonable time thereafter, he shall make and file his decision of the matter and forthwith mail to the licensee or permittee a copy thereof.

[1977 c 160 s 3]