

CHAPTER 28A

LICENSING FOOD HANDLERS

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28A.04 LICENSE REQUIRED; CUSTOM PROCESSING PERMIT APPLICATIONS; RENEWALS.

Subdivision 1. **Application; date of issuance.** (a) 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.

(b) 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, except that licenses for all mobile food concession units and retail mobile units shall be issued for the period April 1 to March 31, and shall be renewed thereafter by the licensee on or before April 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, except that a license for a wholesale food processor or manufacturer operating only at the state fair 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 of each year. A penalty for a late renewal shall be assessed in accordance with section 28A.08.

[For text of subd 2, see M.S.1998]

History: 1999 c 59 s 1

28A.075 DELEGATION TO LOCAL BOARD OF HEALTH.

(a) At the request of a local board of health that licensed and inspected grocery and convenience stores on January 1, 1999, the commissioner must enter into agreements before January 1, 2001, with local boards of health to delegate to the appropriate local board of health the licensing and inspection duties of the commissioner pertaining to retail food handlers that are grocery or convenience stores. Retail grocery or convenience stores inspected under the state meat inspection program of chapter 31A are exempt from delegation.

(b) A local board of health must adopt an ordinance consistent with the Minnesota Food Code, Minnesota Rules, chapter 4626, for all of its jurisdiction to regulate grocery and convenience stores and the ordinance (Food Code) must not be in conflict with standards set in law or rule.

History: 1999 c 231 s 50

28A.0752 DELEGATION OF POWERS AND DUTIES.

Subdivision 1. **Agreements to perform duties of the commissioner.** (a) Agreements to delegate licensing and inspection duties pertaining to retail grocery or convenience stores shall include licensing, inspection, reporting, and enforcement duties authorized under sections 17.04, 28A.13, 29.21, 29.23, 29.235, 29.236, 29.237, 29.24, 29.25, 29.26, 29.27, 29.28, 30.003, 30.01, 30.099, 30.103, 30.104, 30.15, 30.19, 30.49, 30.50, 30.55, 30.56, 30.57, 30.58, and 30.59, appropriate sections of the Minnesota Food Law, chapter 31, and applicable Minnesota food rules.

(b) Agreements are subject to subdivision 3.

(c) This subdivision does not affect agreements entered into under section 28A.075 or current cooperative agreements which base inspections and licensing responsibility on the firm's most predominant mode of business.

Subd. 2. **Agreements to perform duties of the commissioner.** An agreement to delegate licensing and inspection of retail food handlers that are grocery or convenience stores to a local board of health must be approved by the commissioner and is subject to subdivision 3.

Subd. 3. **Terms of agreements.** (a) Agreements authorized under this section must be in writing and signed by the delegating authority and the designated agent.

(b) The agreement must list criteria the delegating authority will use to determine if the designated agent's performance meets appropriate standards and is sufficient to replace performance by the delegating authority.

(c) The agreement may specify minimum staff requirements and qualifications, set procedures for the assessment of costs, and provide for termination procedures if the delegating authority determines that the designated agent has failed to comply with the agreement.

(d) The delegating authority and the designated agent are required to perform inspections utilizing the Minnesota Food Code's minimum and maximum standards.

(e) A designated agent must not perform licensing, inspection, or enforcement duties under the agreement in territory outside its jurisdiction unless approved by the commissioner and governing body for that territory through a separate agreement.

(f) The scope of agreements established under this section is limited to duties and responsibilities agreed upon by the parties. The agreement may provide for automatic renewal and for notice of intent to terminate by either party.

(g) During the life of the agreement, the delegating authority shall not perform duties that the designated agent is required to perform under the agreement, except inspections necessary to determine compliance with the agreement and this section or as agreed to by the parties.

(h) The delegating authority shall consult with, advise, and assist a designated agent in the performance of its duties under the agreement.

(i) This section does not alter the responsibility of the delegating authority for the performance of duties specified by law and rule.

History: 1999 c 231 s 51

28A.08 LICENSE FEES; PENALTIES.

[For text of subd 1, see M.S.1998]

Subd. 3. Fees effective July 1, 1999.

| Type of food handler | License Fee Effective July 1, 1999 | Penalties Late Renewal | No License |
|--|------------------------------------|------------------------|------------|
| 1. Retail food handler | | | |
| (a) Having gross sales of only prepackaged nonperishable food of less than \$15,000 for the immediately previous license or fiscal year and filing a statement with the commissioner | \$ 48 | \$ 16 | \$ 27 |
| (b) Having under \$15,000 gross sales including food preparation or having \$15,000 to \$50,000 gross sales for the immediately previous license or fiscal year | \$ 65 | \$ 16 | \$ 27 |

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| | (c) Having \$50,000 to \$250,000 gross sales for the immediately previous license or fiscal year | \$126 | \$ 37 | \$ 80 |
| | (d) Having \$250,000 to \$1,000,000 gross sales for the immediately previous license or fiscal year | \$216 | \$ 54 | \$107 |
| | (e) Having \$1,000,000 to \$5,000,000 gross sales for the immediately previous license or fiscal year | \$601 | \$107 | \$187 |
| | (f) Having \$5,000,000 to \$10,000,000 gross sales for the immediately previous license or fiscal year | \$842 | \$161 | \$321 |
| | (g) Having over \$10,000,000 gross sales for the immediately previous license or fiscal year | \$962 | \$214 | \$375 |
| 2. | Wholesale food handler | | | |
| | (a) Having gross sales or service of less than \$25,000 for the immediately previous license or fiscal year | \$ 54 | \$ 16 | \$ 16 |
| | (b) Having \$25,000 to \$250,000 gross sales or service for the immediately previous license or fiscal year | \$241 | \$ 54 | \$107 |
| | (c) Having \$250,000 to \$1,000,000 gross sales or service from a mobile unit without a separate food facility for the immediately previous license or fiscal year | \$361 | \$ 80 | \$161 |
| | (d) Having \$250,000 to \$1,000,000 gross sales or service not covered under paragraph (c) for the immediately previous license or fiscal year | \$480 | \$107 | \$214 |
| | (e) Having \$1,000,000 to \$5,000,000 gross sales or service for the immediately previous license or fiscal year | \$601 | \$134 | \$268 |
| | (f) Having over \$5,000,000 gross sales for the immediately previous license or fiscal year | \$692 | \$161 | \$321 |
| 3. | Food broker | \$120 | \$ 32 | \$ 54 |
| 4. | Wholesale food processor or manufacturer | | | |
| | (a) Having gross sales of less than \$125,000 for the immediately previous license or fiscal year | \$161 | \$ 54 | \$107 |
| | (b) Having \$125,000 to \$250,000 gross sales for the immediately previous license or fiscal year | \$332 | \$ 80 | \$161 |
| | (c) Having \$250,001 to \$1,000,000 gross sales for the immediately previous license or fiscal year | \$480 | \$107 | \$214 |
| | (d) Having \$1,000,001 to 5,000,000 gross sales for the | | | |

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| | immediately previous license or fiscal year | \$601 | \$134 | \$268 |
| | (e) Having \$5,000,001 to \$10,000,000 gross sales for the immediately previous license or fiscal year | \$692 | \$161 | \$321 |
| | (f) Having over \$10,000,000 gross sales for the immediately previous license or fiscal year | \$963 | \$214 | \$375 |
| 5. | Wholesale food processor of meat or poultry products under supervision of the U. S. Department of Agriculture | | | |
| | (a) Having gross sales of less than \$125,000 for the immediately previous license or fiscal year | \$107 | \$ 27 | \$ 54 |
| | (b) Having \$125,000 to \$250,000 gross sales for the immediately previous license or fiscal year | \$181 | \$ 54 | \$ 80 |
| | (c) Having \$250,001 to \$1,000,000 gross sales for the immediately previous license or fiscal year | \$271 | \$ 80 | \$134 |
| | (d) Having \$1,000,001 to \$5,000,000 gross sales for the immediately previous license or fiscal year | \$332 | \$ 80 | \$161 |
| | (e) Having \$5,000,001 to \$10,000,000 gross sales for the immediately previous license or fiscal year | \$392 | \$107 | \$187 |
| | (f) Having over \$10,000,000 gross sales for the immediately previous license or fiscal year | \$535 | \$161 | \$268 |
| 6. | Wholesale food processor or manufacturer operating only at the state fair | \$125 | \$ 40 | \$ 50 |
| 7. | Wholesale food manufacturer having the permission of the commissioner to use the name Minnesota Farmstead cheese | \$ 30 | \$ 10 | \$ 15 |
| 8. | Nonresident frozen dairy manufacturer | \$200 | \$ 50 | \$ 75 |
| 9. | Wholesale food manufacturer processing less than 700,000 pounds per year of raw milk | \$ 30 | \$ 10 | \$ 15 |
| 10. | A milk marketing organization without facilities for processing or manufacturing that purchases milk from milk producers for delivery to a licensed wholesale food processor or manufacturer | \$ 50 | \$ 15 | \$ 25 |

History: 1999 c 59 s 2; 1999 c 231 s 52

28A.081 CERTIFICATE FEES.

A fee of \$75 for each certificate shall be charged to all food establishments that request certificates issued by the Minnesota department of agriculture to facilitate the movement of

Minnesota processed and manufactured foods destined for export from the state of Minnesota. Certificates include, but are not limited to, a certificate of free sale, certificate of export, certificate of sanitation, sanitary certificate, certificate of origin and/or free sale, certificate of health and/or free sale, sanitation, and purity, certificate of free trade, certificate of free sale, sanitation, purity, and origin, certificate of health, sanitation, purity, and free sale, and letter of plant certification.

The commissioner shall bill a food establishment within seven days after issuing a certificate to the establishment. The operator of the food establishment must submit payment for a certificate within ten days of the billing date. If a certificate fee payment is not received within 15 days of the billing date, the commissioner may not issue any future certificates until previous fees due are paid in full.

History: 1999 c 231 s 53