CHAPTER 31

FOOD

31.001 CITATION.
31.002 POLICY.
31.01 DEFINITIONS.

BASIC REGULATORY LAWS RELATING TO FOOD

31.02 PROHIBITED ACTS.
31.021 DETERMINATION OF MISLEADING.
31.032 PENALTIES AND GUARANTY.
31.04 INSPECTION AUTHORITY.
31.07 PRICE NOT COLLECTIBLE.
31.08 ADDITIONAL POWERS AND AUTHORITY; FOOD IN TRANSIT.
31.09 COMMISSIONER TO RENDER CERTAIN FOOD UNSALABLE.
31.095 DENATURING AND LABELING.
31.10 STANDARDS, DEFINITIONS; PROMULGATION.
31.101 RULES; HEARINGS; UNIFORMITY WITH FEDERAL LAW.
31.102 DEFINITIONS, STANDARDS OF IDENTITY; TEMPORARY PERMITS.
31.103 FAIR PACKAGING AND LABELING PROVISIONS.
31.104 FOOD LABELING EXEMPTION RULES.
31.11 RULES.
31.115 LAWFUL TO PRODUCE BEVERAGES IN BASEMENTS OR OTHER SUBGRADE AREAS, USE BUILDINGS FOR OTHER PURPOSES.
31.12 LABELING.
31.121 FOOD ADULTERATION.
31.122 FOOD; TOLERANCES FOR ADDED POISONOUS INGREDIENTS.
31.123 FOOD MISBRANDING.
31.124 FALSE ADVERTISING.
31.13 ANALYSIS; EVIDENCE.
31.131 EMERGENCY PERMIT CONTROL.
31.132 PUBLICITY.
31.15 DISPOSAL OF RECEIPTS.
31.161 FOOD; INSANITARY CONDITIONS PROHIBITED.
31.165 REMOVAL OF INSANITARY CONDITIONS.
31.171 EMPLOYMENT OF DISEASED PERSON.
31.175 WATER, PLUMBING, AND SEWAGE.

CANNERIES

31.31 COMMERCIAL CANNERIES, REGULATION.
31.311 INSPECTION UNDER SUPERVISION OF COMMISSIONER.
31.32 REPORTS; INFORMATION FURNISHED.
31.36 RULES FOR CANNERIES.
31.37 NOTICE OF INTENTION TO OPERATE.
31.38 CERTIFICATE OF INSPECTION, COMMERCIAL CANNERIES; LABELS, BRANDS.
31.39 ASSESSMENTS; INSPECTION SERVICES; COMMERCIAL CANNERIES ACCOUNT.
31.392 CANNING IN DWELLING OR BASEMENT.

FOOD SALVAGE

31.495 REGULATION OF FOOD SALVAGE OPERATIONS.

SLAUGHTER HOUSES; PACKING PLANTS

31.51 DEFINITIONS.
31.53 INSPECTIONS; CORRECTIVE ORDERS.
31.54 RULES.
31.56 LIMITATION.

SLAUGHTER OF LIVESTOCK

31.59 HUMANE SLAUGHTER OF LIVESTOCK; DEFINITIONS.
31.591 SLAUGHTER MUST BE HUMANE.

MEATS, GENERALLY

31.60 MEAT INDUSTRY DIVISION.
31.601 PROTECTION OF MEAT.
31.602 SALE OF UNWHOLESOME POULTRY OR GAME.
31.611 VEAL.
31.621 SALE OF HORSE MEAT FOR HUMAN CONSUMPTION.
31.631 HORSE MEAT INTENDED FOR OTHER THAN HUMAN CONSUMPTION.
31.632 MINNESOTA APPROVED MEATS AND POULTRY; USE OF LABEL.
31.633 MEAT OR POULTRY SUBSTITUTES; INDICATION ON MENU; PENALTIES.

KOSHER AND HALAL FOODS

31.651 KOSHER PRODUCTS, UNLAWFUL SALE.
31.658 HALAL PRODUCTS.
31.661 MARKS, STAMPS, TAGS, BRANDS, OR LABELS.
31.671 RULES.

HONEY

31.74 HONEY.

DIETARY FOODS

31.75 ARTIFICIAL SWEETENING PRODUCTS.

CONFECTIONS CONTAINING ALCOHOL

31.76 CONFECTIONS CONTAINING ALCOHOL.

BAKERIES

31.77 SANITATION AND PRODUCTS STANDARDS.

QUALITY ASSURANCE DATING

31.781 DECLARATION OF POLICY.
31.782 DEFINITIONS.
31.783 RULES, SCOPE.
31.784 EXPIRATION OF QUALITY ASSURANCE DATE.

31.785 REGULATIONS OF OTHER STATES AND THE FEDERAL GOVERNMENT.
31.786 LOCAL ORDINANCES PREEMPTED.
31.787 ENFORCEMENT.
31.788 PENALTIES.
31.789 EXEMPTION.
BULK FOOD SALES
31.80 DEFINITIONS.
31.81 SCOPE.
31.82 LABELING.
31.83 PROTECTION.
31.84 DISPENSING.
31.85 CONSTRUCTION; MATERIALS.
31.86 CLEANING FREQUENCY.
31.87 SIGN.
31.874 DISEASE CONTROL.
31.875 LOCAL STANDARDS.
CONSTRUCTION; PENALTIES
31.903 EVIDENCE OF INTENT; ACT OF AGENT THAT OF PRINCIPAL.
ORGANIC FOOD
31.92 DEFINITIONS.
31.925 UNIFORMITY WITH FEDERAL LAW.
31.94 ORGANIC AGRICULTURE; COMMISSIONER DUTIES.
MANAGER CERTIFICATION
31.96 FOOD HANDLER CERTIFICATION.

31.001 CITATION.

This chapter may be cited as the "Minnesota Food Law."

History: *1974 c 84 s 1*

31.002 POLICY.

It is the policy of this state to seek to achieve and maintain uniformity with the federal government and with other states insofar as possible, of regulation and control of the manufacture, distribution and sale of food in this state. To that end it is desirable and necessary that federal regulations adopted under authority of the federal act become state rules, and such rules shall be promulgated pursuant to state law.

History: *1974 c 84 s 2; 1985 c 248 s 70*

31.01 DEFINITIONS.

Subdivision 1. **Terms.** Unless the language or context clearly indicates that a different meaning is intended, the words, terms, and phrases defined in this section shall for the purposes of this chapter, have the meanings given to them.

Subd. 2. **Person.** "Person" has the meaning given in section 34A.01, subdivision 10.

Subd. 3. **Food.** "Food" has the meaning given in section 34A.01, subdivision 4.

Subd. 4. **Sell and sale.** "Sell" and "sale" have the meanings given in section 34A.01, subdivision 12.

Subd. 5. MS 1971 [Repealed, 1974 c 84 s 38]

Subd. 6. [Renumbered 32.55, subd 2]

Subd. 7. [Renumbered 32.55, subd 3]

Subd. 8. [Renumbered 32.55, subd 4]

Subd. 9. [Renumbered 32.55, subd 5]

Subd. 10. [Renumbered 32.55, subd 6]

Subd. 11. [Renumbered 32.55, subd 7]

Subd. 12. [Renumbered 32.55, subd 8]

Subd. 13. [Renumbered 32.55, subd 9]

Subd. 14. [Renumbered 32.55, subd 10]

Subd. 15. [Renumbered 32.55, subd 11]

Subd. 16. [Renumbered 32.55, subd 12]

Subd. 17. [Renumbered 32.55, subd 13]

Subd. 18. **Commissioner.** "Commissioner" means the commissioner of the Department of Agriculture.

Subd. 19. MS 1971 [Repealed, 1974 c 84 s 38]

Subd. 20. **Consumer commodity.** "Consumer commodity," except as otherwise specifically provided by this subdivision, means any food as defined in subdivision 3 or by the federal act. Such term does not include:

(1) any tobacco or tobacco product;

(2) any commodity subject to packaging or labeling requirements imposed under chapter 24;

(3) any drug subject to the provisions of sections 151.34 to 151.40;

(4) any beverage subject to the provisions of chapter 340A; or

(5) any commodity subject to the provisions of chapter 21.

Subd. 21. **Label.** "Label" has the meaning given in section 34A.01, subdivision 6.

Subd. 22. **Principal display panel.** "Principal display panel" means that part of a label that is most likely to be displayed, presented, shown, or examined under normal and customary conditions of display for retail sale.

Subd. 23. **Immediate container.** "Immediate container" does not include package liners.

Subd. 24. **Package.** "Package" means any container or wrapping in which any consumer commodity is enclosed for use in the delivery or display of that consumer commodity to retail purchases, but does not include:

(1) shipping containers or wrappings used solely for the transportation of any consumer commodity in bulk or in quantity to manufacturers, packers, or processors, or to wholesale or retail distributors thereof; or

(2) shipping containers or outer wrappings used by retailers to ship or deliver any commodity to retail customers if such containers and wrappings bear no printed matter pertaining to any particular commodity.

Subd. 25. **Labeling.** "Labeling" has the meaning given in section 34A.01, subdivision 7.

Subd. 26. **Advertisement.** "Advertisement" means all representations disseminated in any manner or by any means, other than by labeling, for the purpose of inducing, or which are likely to induce, directly or indirectly, the purchase of food.

Subd. 27. **Contaminated with filth.** "Contaminated with filth" applies to any food not securely protected from dust, dirt and, as far as may be necessary by all reasonable means, from all foreign or injurious contaminations.

Subd. 28. **Pesticide.** "Pesticide" has the meaning given in section 18B.01, subdivision 18.

Subd. 29. **Raw agricultural commodity.** "Raw agricultural commodity" means any food in its raw or natural state, including all fruits that are washed, colored, or otherwise treated in their unpeeled natural form prior to marketing.

Subd. 30. **Food additive.** "Food additive" means any substance the intended use of which results or may be reasonably expected to result, directly or indirectly, in its becoming a component or otherwise affecting the characteristics of any food; including any substance intended for use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding food; and including any source of radiation intended for any such use; if such substance is not generally recognized, among experts qualified by scientific training and experience to evaluate its safety, as having been adequately shown through scientific procedures, or in the case of a substance used in a food prior to January 1, 1958, through either scientific procedures or experience based on common use in food, to be safe under the conditions of its intended use; except that such term does not include:

(1) a pesticide chemical in or on a raw agricultural commodity;

(2) a pesticide chemical to the extent that it is intended for use or is used in the production, storage, or transportation of any raw agricultural commodity;

(3) a color additive; or

(4) any substance used in accordance with a sanction or approval granted prior to the enactment of the food additives amendment of 1958, pursuant to the federal act; the Poultry Products Inspection Act (United States Code, title 21, section 451 et seq.) of the Meat Inspection Act of March 4, 1907 (Statutes at Large, volume 34, page 1260), as amended and extended (United States Code, title 21, section 71 et seq.).

Subd. 31. **Color additive.** "Color additive" means a material which

(1) is a dye, pigment, or other substance made by a process of synthesis or similar artifice, or extracted, isolated, or otherwise derived, with or without intermediate or final change of identity, from the vegetable, animal, mineral, or other source, and

(2) when added or applied to a food is capable, alone or through reaction with other substance, of imparting color thereto; except that such term does not include any material which has been or hereafter is exempted under the federal act.

"Color" includes black, white and intermediate grays. Nothing in this subdivision shall be construed to apply to any pesticide chemical, soil or plant nutrient, or other agricultural chemical solely because of its effect in aiding, retarding, or otherwise affecting, directly or indirectly, the growth or other natural physiological process of produce of the soil and thereby affecting its color, whether before or after harvest.

Subd. 32. **Federal act.** "Federal act" means the Federal Food, Drug, and Cosmetic Act, as amended (United States Code, title 21, section 301 et seq.).

History: *(3790, 3791, 3792, 3871) 1921 c 495 s 3,5,84; 1953 c 518 s 1; 1961 c 113 s 1; 1961 c 128 s 14; 1961 c 144 art 1 s 1-3; 1967 c 672 s 1; 1969 c 90 s 1; 1974 c 84 s 3-18; 1983 c 300 s 6; 1985 c 248 s 70; 1986 c 444; 2012 c 244 art 2 s 8-13*

BASIC REGULATORY LAWS RELATING TO FOOD

31.02 PROHIBITED ACTS.

The following acts set out in this section and the causing of such acts within this state are prohibited:

(1) the manufacture, sale, or delivery, holding or offering for sale of any food that is adulterated or misbranded;

(2) the adulteration or misbranding of any food;

(3) the receipt in commerce of any food that is adulterated or misbranded, and the delivery or proffered delivery thereof for pay or otherwise;

(4) the distribution in commerce of a consumer commodity, as defined in section 31.01, subdivision 20, if such commodity is contained in a package, or if there is affixed to that commodity a label, which does not conform to the provisions of law and of rules promulgated pursuant to section 31.101; provided, however, that this prohibition shall not apply to persons engaged in business as wholesale or retail distributors of consumer commodities except to the extent that such persons are engaged in the packaging or labeling of such commodities, or prescribe or specify by any means the manner in which such commodities are packaged or labeled;

(5) the sale, delivery for sale, holding for sale, or offering for sale of any article in violation of section 31.131;

(6) the dissemination of any false advertisement;

(7) the refusal to permit entry or inspection, or to permit the taking of a sample, or to permit access to or copying of any record as authorized by section 31.04;

(8) the giving of a guaranty or undertaking which guaranty or undertaking is false, except by a person who relied on a guaranty or undertaking to the same effect signed by, and containing the name and address of the person residing in the state of Minnesota from whom the relying person received in good faith the food;

(9) the removal or disposal of a detained or embargoed article in violation of section 34A.11;

(10) the alteration, mutilation, destruction, obliteration, or removal of the whole or any part of the labeling of, or the doing of any other act with respect to a food if such act is done while such article is held for sale and results in such article being adulterated or misbranded;

(11) forging, counterfeiting, simulating, or falsely representing, or without proper authority using any mark, stamp, tag, label, or other identification device authorized or required by rules promulgated under the provisions of section 31.101 or of the federal act;

(12) the using by any person to the person's own advantage, or revealing, other than to the commissioner or the commissioner's authorized representative or to the courts when relevant in any judicial proceeding of any information acquired under authority of the Minnesota Food Law concerning any method or process which as a trade secret is entitled to protection; and

(13) the identification or sale as food for human consumption of any product which has previously been labeled or otherwise identified as animal food or seed which has received a seed treatment.

History: *(3789) 1921 c 495 s 2; 1961 c 144 art 2 s 1; 1974 c 84 s 19; 1980 c 442 s 1; 1985 c 248 s 70; 1986 c 444; 2013 c 125 art 1 s 17*

31.021 DETERMINATION OF MISLEADING.

If an article is alleged to be misbranded because the label is misleading, or if an advertisement is alleged to be false because it is misleading, then in determining whether the labeling or advertisement is misleading, there shall be taken into account, among other things, not only representations made or suggested by statement, word, design, sound, or in any combination thereof, but also the extent to which the labeling or advertisement fails to reveal facts material in the light of such representations or material with respect to consequences which may result from the use of the article to which the labeling or advertisement relates under the conditions of use prescribed in the labeling or advertisement thereof or under such conditions of use as are customary or usual.

History: *1974 c 84 s 20*

31.023 [Renumbered 31.75]

31.03 MS 1957 [Renumbered 31.01, subd 19; Repealed, 1974 c 84 s 38]

31.031 MS 2010 [Repealed, 2012 c 244 art 2 s 36]

31.032 PENALTIES AND GUARANTY.

Subdivision 1. **Misdemeanor.** Any person who violates any of the provisions of section 31.02 is guilty of a misdemeanor.

Subd. 2. **Exception.** No person shall be subject to the penalties of subdivision 1 for having violated section 31.02, clause (2) or (4), if the person establishes a guaranty or undertaking signed by, and containing the name and address of, the person residing in the state of Minnesota from whom the person received in good faith the article, to the effect that such article is not adulterated or misbranded within the meaning of the Minnesota Food Law.

Subd. 3. **Publisher, broadcaster, agency.** No publisher, radio broadcast licensee, or agency or medium for the dissemination of an advertisement, except the manufacturer, packer, distributor, or seller of the article to which a false advertisement relates, shall be liable under this section for the dissemination of such false advertisement.

History: *1974 c 84 s 22; 1986 c 444*

31.04 INSPECTION AUTHORITY.

Subdivision 1. **Allowable actions.** For purposes of enforcement of the Minnesota Food Law, the commissioner, or any of the commissioner's authorized agents, is authorized upon presenting appropriate credentials to the owner, operator or agent in charge:

(1) to enter at reasonable times any factory, warehouse, or establishment in which food is manufactured, processed, packed or held for introduction into commerce or after such introduction or to enter any vehicle being used to transport or hold such food in commerce;

(2) to inspect at reasonable times and within reasonable limits and in a reasonable manner such factory, warehouse, establishment or vehicle and all pertinent equipment, finished and unfinished materials, containers and labeling therein; and to obtain samples necessary to the enforcement of the Minnesota Food Law; and

(3) to have access to and to copy all records of carriers in commerce showing the movement in commerce of any food or the holding thereof during or after such movement, and the quantity, shipper and consignee thereof; provided, that evidence obtained under this clause shall not be used in a criminal prosecution of the person from whom obtained; and provided, further, that carriers shall not be subject to the other provisions of the Minnesota Food Law by reason of their receipt, carriage, holding, or delivery of food in the usual course of business as carriers.

Subd. 2. **Written report.** Upon completion of any such inspection of a factory, warehouse, or other establishment and prior to leaving the premises, the authorized agent making the inspection shall give to the owner, operator or agent in charge a report in writing setting forth any conditions or practices observed which in the agent's judgment indicate that any food in such establishment:

(1) consists in whole or in part of any filthy, putrid, or decomposed substance, or

(2) has been prepared, packed or held under insanitary conditions whereby it may have become contaminated with filth or whereby it may have been rendered injurious to health.

A copy of such report shall be sent promptly to the commissioner.

Subd. 3. **Receipt for samples.** An authorized agent making any such inspection of a factory, warehouse or other establishment who has obtained any sample in the course of the inspection, upon completion of the inspection and prior to leaving the premises, shall give to the owner, operator, or agent in charge a receipt describing the samples obtained.

Subd. 4. **Copy of analysis result.** When in the course of any such inspection of a factory or other establishment where food is manufactured, processed or packed, the officer or employee making the inspection obtains a sample of any such food and an analysis is made of such sample for the purpose of ascertaining whether such food consists in whole or in part of any filthy, putrid or decomposed substance or is otherwise unfit for food, a copy of the result of such analysis shall be furnished promptly to the owner, operator or agent in charge.

History: *(3798) 1921 c 495 s 9; 1961 c 144 art 2 s 2; 1974 c 84 s 23; 1986 c 444*

31.041 MS 2010 [Repealed, 2012 c 244 art 2 s 36]

31.05 MS 2010 [Repealed, 2012 c 244 art 2 s 36]

31.06 MS 1961 [Repealed, 1963 c 849 s 17]

31.07 PRICE NOT COLLECTIBLE.

No action shall be maintained for the purchase price or value of any food, the sale of which is now or hereafter prohibited by law or which is manufactured, used, sold, transported, kept or offered for sale, use, or transportation, or had in possession with intent to sell, use, or transport in violation of any law now or hereafter enacted; nor shall any person be liable for the price or value of food or board furnished in violation of any such law.

History: *(3801) 1921 c 495 s 12; 1961 c 144 art 2 s 5*

31.08 ADDITIONAL POWERS AND AUTHORITY; FOOD IN TRANSIT.

The commissioner or any of the commissioner's assistants, inspectors, agents, or employees, in addition to the authority and powers otherwise conferred by law, is authorized and empowered to have and to take access to any and all trucks, aeroplanes, airships, vehicles, and railroad cars of every sort and nature transported or being within this state, all railroad stations, storage houses, warehouses, express offices, or other places wherein at any time there may be food transported or shipped into from without this state, whether or not such food has been manufactured, sold, or given away without the state; provided, that such food was manufactured, sold, or given away with the intent that it be delivered, had, or used within this state; and the commissioner shall have the same power and authority to open any package, car, or vessel containing food so transported or shipped into from without the state, which contains, or which the commissioner has reason to believe contains, any such food; to inspect the contents thereof and to take samples for analysis and examination, all after the same manner and with the same procedure as obtains by law in reference to similar goods manufactured, sold, transported, offered for sale, use, or transportation, or had in possession with intent to sell, use, or transport within this state. If it shall appear that any such food is adulterated, misbranded, insufficiently labeled, unwholesome, poisonous, or deleterious, the commissioner shall have the same rights and remedies and shall enforce the same in the same manner as in the case of food manufactured, sold, transported, offered for sale, use, or transportation, or had in possession with intent to sell, use, or transport within this state. On receiving notice from the commissioner or any authorized agent or employee of a desire to inspect the contents of any such package, can, or vessel, it shall be the duty of any common carrier, storage agent, warehouse operator, or their employees, or other person having the same in possession or under control, to withhold the same from delivery within this state for such period of time as may be reasonably necessary for the inspection, examination, and analysis thereof. It is further made the duty of all such persons to render to the commissioner and the commissioner's agents and employees all the assistance in their power when so required to effectuate the purposes of laws now or hereafter enacted relating to food. In case such inspection, examination, or analysis of any such food shall disclose it to be adulterated, misbranded, insufficiently labeled, unwholesome, poisonous, or deleterious, such persons shall, on demand, disclose to the commissioner the names and addresses of the consignor and consignee of the package, can, or vessel containing the same, and the commissioner, before proceeding further, shall notify such consignor and consignee, in writing, at their respective addresses, of the result of the inspection, examination, or analysis as so disclosed. Any common carrier, warehouse operator, storage agent, employee, or other person having such food in possession or under control, failing or refusing to comply with any of the provisions of this section shall be guilty of a misdemeanor.

History: *(3802) 1921 c 495 s 13; 1961 c 144 art 2 s 6; 1986 c 444*

31.09 COMMISSIONER TO RENDER CERTAIN FOOD UNSALABLE.

The commissioner and the commissioner's assistants, inspectors, agents, and employees, shall also have power and authority, in their discretion, to render unsalable for use as food, any food the sale or use of which is now or hereafter prohibited by law, or which is manufactured, sold, used, transported, offered for sale or transportation, or had in possession with intent to use, sell, or transport in violation of any provision thereof, or in violation of any provision of any rule, definition, standard, or ruling made, adopted, and published thereunder, and the commissioner and assistants, inspectors, agents, and employees shall be exempt from liability for any such action. The test of the condition of any such food shall be its condition at the time of discovery. Any reasonable and necessary means may be adopted for rendering such food unsalable for use as food.

History: *(3803) 1921 c 495 s 14; 1961 c 144 art 2 s 7; 1985 c 248 s 70; 1986 c 444*

31.095 DENATURING AND LABELING.

All food originally designated as food for human consumption which is diverted to animal food channels or to seed must be labeled in compliance with animal food or seed laws and rules, and any which has been embargoed pursuant to section 34A.11 must be denatured in a manner approved by the Minnesota Department of Agriculture.

History: *1980 c 442 s 2; 1981 c 261 s 3; 1985 c 248 s 70; 2013 c 125 art 1 s 18*

31.10 STANDARDS, DEFINITIONS; PROMULGATION.

For the purpose of preventing fraud and deception in the manufacture, use, sale, and transportation of food, or for the purpose of protecting and preserving the public health, it shall be the duty of the commissioner to fix, adopt, and publish, from time to time, by rulings, in writing, definitions and standards of quality, purity, identity, composition, analysis, content and strength of articles of food, for which no definitions and standards are prescribed by law, and such definitions and standards so fixed, adopted, and published by the commissioner shall be the lawful definitions and standards thereof before all courts; provided that when definitions and standards have been or may be fixed by the secretary of the Department of Agriculture, or the secretary of the Department of Health and Human Services of the United States, except in cases where definitions or standards otherwise are prescribed by law, they may be accepted by the commissioner and if accepted, published as definitions or standards for Minnesota. All definitions and standards promulgated and adopted by the commissioner shall be done in the manner provided by law. Until such definitions and standards are promulgated and adopted in the manner stated, the definitions and standards heretofore prescribed by law or promulgated and adopted by the commissioner shall remain in full force and effect, except as otherwise prescribed by law. Any person who shall manufacture, use, sell, transport, package, offer for sale or transportation, or have in possession with the intent to sell, package, repackage, offer for sale or transportation, or use, or transport, any article of food, which does not conform to such definitions or standards so fixed, adopted, and published, shall be guilty of a misdemeanor.

History: *(3804) 1921 c 495 s 15; 1953 c 518 s 2; 1955 c 538 s 4; 1961 c 144 art 2 s 8; 1983 c 300 s 7; 1985 c 248 s 70*

31.101 RULES; HEARINGS; UNIFORMITY WITH FEDERAL LAW.

Subdivision 1. **Authority.** The commissioner may promulgate and amend rules for the efficient administration and enforcement of the Minnesota Food Law. The rules when applicable must conform, insofar as practicable and consistent with state law, with those promulgated under the federal law. This rulemaking authority is in addition to that in sections 31.10, 31.11, and 31.12. Rules adopted under this section may be amended by the commissioner under chapter 14, subject to the limitation in subdivision 7.

Subd. 2. **Hearings.** Hearings authorized or required by law must be conducted by the commissioner or an officer, agent, or employee the commissioner designates for the purpose.

Subd. 3. **Pesticide chemical rules.** Federal pesticide chemical regulations adopted under authority of the Federal Insecticide, Fungicide and Rodenticide Act, as provided by United States Code, title 7, chapter 6, are the pesticide chemical rules in this state.

Subd. 4. **Food additive rules.** Federal food additive regulations, as provided by Code of Federal Regulations, title 21, parts 170 to 199, are the food additive rules in this state.

Subd. 5. **Color additive rules.** Federal color additive regulations, as provided by Code of Federal Regulations, title 21, parts 70 to 82, are the color additive rules in this state.

Subd. 6. **Special dietary use rules.** Federal special dietary use regulations, as provided by Code of Federal Regulations, title 21, parts 104 and 105, are the special dietary use rules in this state.

Subd. 7. **Fair packaging and labeling rules.** Federal regulations adopted under the Fair Packaging and Labeling Act, as provided by United States Code, title 15, sections 1451 to 1461, are the rules in this state. The commissioner may not adopt amendments to these rules or adopt other rules which are contrary to the labeling requirements for the net quantity of contents required pursuant to section 4 of the Fair Packaging and Labeling Act and the regulations adopted under that act.

Subd. 8. **Food and drugs rules.** Applicable federal regulations including recodification contained in Code of Federal Regulations, title 21, parts 0-1299, Food and Drugs, not otherwise adopted herein, also are adopted as food rules of this state.

Subd. 9. **Fishery products rules.** Federal regulations, as provided by Code of Federal Regulations, title 50, parts 260 to 267, are incorporated as part of the fishery products rules in this state for state inspections performed under a cooperative agreement with the United States Department of Commerce, National Marine Fisheries Service.

Subd. 10. **Meat and poultry rules.** Federal regulations, as provided by Code of Federal Regulations, title 9, part 301, et seq., are incorporated as part of the meat and poultry rules in this state.

Subd. 11. **Standards for fresh fruits, vegetables, and other products.** Federal regulations, as provided by Code of Federal Regulations, title 7, parts 51 and 52, are incorporated as part of the rules in this state.

Subd. 12. **Dairy grade rules; manufacturing plant standards.** Federal grading and inspection standards for manufacturing dairy plants and products, as provided by Code of Federal Regulations, title 7, part 58, subparts B-W, are adopted as the dairy grade rules and manufacturing plant standards in this state.

History: *1974 c 84 s 26; 1975 c 412 s 14; 1979 c 68 s 5; 1980 c 442 s 3; 1983 c 300 s 8-13; 1985 c 248 s 70; 1987 c 396 art 11 s 5-10; 1989 c 350 art 11 s 1; 1990 c 511 s 2; 1994 c 571 s 1; 1997 c 220 s 1; 1999 c 231 s 55; 2000 c 477 s 27; 1Sp2001 c 2 s 53; 2002 c 373 s 18; 2003 c 107 s 3-12*

31.102 DEFINITIONS, STANDARDS OF IDENTITY; TEMPORARY PERMITS.

Subdivision 1. **Identity, quantity, and fill of container rules.** Federal definitions and standards of identity, quality, and fill of container adopted under authority of the federal act, are the definitions and standards of identity, quality, and fill of container in this state. The rules may be amended by the commissioner under chapter 14.

Subd. 2. **Temporary permits.** The commissioner may issue temporary permits for intrastate shipment of experimental packs of food. Such permits shall specify the conditions and terms of shipment, and the conditions may be at variance from the requirements of the rules relating to definitions and standards of identity as provided for in subdivision 1 when necessary to the completion or conclusiveness of an otherwise adequate investigation and where the interests of consumers are safeguarded. Rules relating to the issuance of such permits may be promulgated by the commissioner.

History: *1974 c 84 s 27; 1975 c 412 s 15; 1985 c 248 s 70; 1989 c 350 art 11 s 2; 1994 c 571 s 2; 1997 c 220 s 2; 2000 c 477 s 28; 2002 c 373 s 19; 2003 c 107 s 13*

31.103 FAIR PACKAGING AND LABELING PROVISIONS.

Subdivision 1. **Consumer commodities labeling rules.** All labels of consumer commodities must conform with the requirements for the declaration of net quantity of contents of section 4 of the Fair Packaging

and Labeling Act (United States Code, title 15, section 1451 et seq.) and federal regulations adopted under authority of that act, except to the extent that the commissioner amends the rules under chapter 14. Consumer commodities exempted from the requirements of section 4 of the Fair Packaging and Labeling Act are also exempt from this subdivision.

Subd. 2. **Serving size.** The label of any package of a consumer commodity which bears a representation as to the number of servings of such commodity contained in such package shall bear a statement of the net quantity (in terms of weight, measure, or numerical count) of each such serving.

Subd. 3. **Qualifying words; supplemental material.** No person shall distribute or cause to be distributed in commerce any packaged consumer commodity if any qualifying words or phrases appear in conjunction with the separate statement of net quantity of contents required by subdivision 1, but nothing in this section shall prohibit supplemental statements, at other places on the package, describing in nondeceptive terms the net quantity of contents; provided, that such supplemental statements of net quantity of contents shall not include any term qualifying a unit of weight, measure, or count that tends to exaggerate the amount of the commodity contained in the package.

Subd. 4. **Rules.** Whenever the commissioner determines that rules containing prohibitions or requirements other than those prescribed by subdivision 1, are necessary to prevent the deception of consumers or to facilitate value comparisons as to any consumer commodity, the commissioner shall promulgate, with respect to that commodity, rules effective to:

(1) establish and define standards for the characterization of the size of a package enclosing any consumer commodity, which may be used to supplement the label statement of net quantity of contents of packages containing such commodity, but this paragraph shall not be construed as authorizing any limitation on the size, shape, weight, dimensions, or number of packages which may be used to enclose any commodity;

(2) regulate the placement upon any package containing any commodity, or upon any label affixed to such commodity, of any printed matter stating or representing by implication that such commodity is offered for retail sale at a price lower than the ordinary and customary retail sale price or that a retail sale price advantage is accorded to purchasers thereof by reason of the size of that package or the quantity of its contents;

(3) require that the label on each package of a consumer commodity bear the common or usual name of such consumer commodity, if any, and, in case such consumer commodity consists of two or more ingredients, the common or usual name of each such ingredient listed in order of decreasing predominance, but nothing in this clause shall be deemed to require that any trade secret be divulged; or

(4) prevent the nonfunctional slack-fill of packages containing consumer commodities.

For the purposes of clause (4), a package shall be deemed to be nonfunctionally slack-filled if it is filled to substantially less than its capacity for reasons other than protection of the contents of such package or the requirements of machines used for enclosing the contents in such package.

History: *1974 c 84 s 28; 1975 c 412 s 16; 1985 c 248 s 70; 1986 c 444; 1989 c 350 art 11 s 3; 1994 c 571 s 3; 1997 c 220 s 3; 2000 c 477 s 29; 2002 c 373 s 20; 2003 c 107 s 14*

31.104 FOOD LABELING EXEMPTION RULES.

The commissioner shall promulgate rules exempting from any labeling requirement food which is, in accordance with the practice of the trade, to be processed, labeled, or repacked in substantial quantities at

establishments other than those where originally processed or packed, on condition that such food is not adulterated or misbranded upon removal from such processing, labeling, or repacking establishment.

Federal regulations in effect on April 1, 2001, adopted under authority of the federal act relating to such exemptions are effective in this state unless the commissioner amends them. The commissioner also may amend existing rules concerning exemptions under chapter 14.

History: *1974 c 84 s 29; 1975 c 412 s 17; 1985 c 248 s 70; 1986 c 444; 1989 c 350 art 11 s 4; 1994 c 571 s 4; 1997 c 220 s 4; 2000 c 477 s 30; 2002 c 373 s 21*

31.11 RULES.

Subdivision 1. **Food laws.** For the purpose of preventing fraud and deception in the manufacture, use, sale, and transportation of food, or for the purpose of protecting and preserving the public health, it shall also be the duty of the commissioner to make and publish uniform rules, not inconsistent with law, for carrying out and enforcing the provisions of laws now or hereafter enacted relating to food; which rules shall be made in the manner provided by law. Until such rules are made and published, the rules heretofore made by the commissioner shall remain in full force and effect, except as otherwise prescribed by law. Any person who shall manufacture, use, sell, transport, offer for use, sale or transportation, or have in possession with intent to use, sell or transport, any article of food contrary to the provisions of any such rule, or who shall fail to comply with any such rule, shall be guilty of a misdemeanor.

Subd. 2. MS 2000 [Repealed, 1Sp2001 c 2 s 162]

History: *(3805) 1921 c 495 s 16; 1961 c 144 art 2 s 9; 1985 c 248 s 70; 1989 c 350 art 11 s 5*

31.115 LAWFUL TO PRODUCE BEVERAGES IN BASEMENTS OR OTHER SUBGRADE AREAS, USE BUILDINGS FOR OTHER PURPOSES.

For the purposes of inspection, licensing, permitting, and registration by the commissioner of agriculture under Minnesota Rules, parts 1550.1650 to 1550.1870, it is lawful to locate in a basement or other subgrade area an installation to manufacture, mix, or compound flavored beverage base or syrup; bottle or treat water; package carbonated or noncarbonated beverages; or bottle beer or other malt beverages. Buildings or portions thereof within the scope of Minnesota Rules, parts 1550.1710 to 1550.1870, may also be used for other purposes.

History: *2010 c 209 s 1*

31.12 LABELING.

For the purpose of preventing fraud and deception in the manufacture, use, sale, and transportation of food, or for the purpose of protecting and preserving the public health, it shall be the duty of the commissioner, by rulings not inconsistent with law, to require that any article of food, or the package, receptacle, or container thereof, before it be sold, transported, used, offered for sale or transportation, or had in possession with intent to use, sell or transport within this state, shall be labeled, stamped, stenciled, marked, or branded in such manner as to plainly exhibit to the purchaser any or all of the following data or information: The percentages and true composition of such food article, its quality, strength, quantity, source of its manufacture or production or the person by or for whom the same is manufactured, produced, packed, or shipped. The commissioner shall also have authority to prescribe by such rulings the date on which the same shall take effect and be in force, and also the form, size, style, and wording of, and the place, time, method, means and manner of use of all such labels, stamps, stencils, brands, and markings, which rulings shall be made in the manner provided by law. Until such rulings are made and in effect the rulings heretofore made by the

commissioner shall remain in full force and effect, except as otherwise prescribed by law. Any person who shall fail to comply with such ruling or rulings shall be guilty of a misdemeanor.

History: *(3806) 1921 c 495 s 17; 1961 c 144 art 2 s 10*

31.121 FOOD ADULTERATION.

A food shall be deemed to be adulterated if it is covered by section 34A.02.

History: *1974 c 84 s 30; 1985 c 248 s 70; 1990 c 554 s 1; 1992 c 486 s 2; 2012 c 244 art 2 s 14*

31.122 FOOD; TOLERANCES FOR ADDED POISONOUS INGREDIENTS.

Any added poisonous or deleterious substance, any food additive, any pesticide chemical in or on a raw agricultural commodity or any color additive, shall with respect to any particular use or intended use be deemed unsafe for the purpose of application of section 34A.02, clause (2), with respect to any food, unless there is in effect a rule pursuant to section 31.101 limiting the quantity of such substance, and the use or intended use of such substance conforms to the terms prescribed by such rule. While such rules relating to such substance are in effect, a food shall not, by reason of bearing or containing such substance in accordance with the rules, be considered adulterated within the meaning of section 34A.02, clause (1).

History: *1974 c 84 s 31; 1985 c 248 s 70; 2016 c 184 s 5*

31.123 FOOD MISBRANDING.

A food is misbranded if it is covered by section 34A.03.

History: *1974 c 84 s 32; 1985 c 248 s 70; 2012 c 244 art 2 s 15*

31.124 FALSE ADVERTISING.

An advertisement of a food shall be deemed to be false if it is false or misleading in any particular.

History: *1974 c 84 s 33*

31.13 ANALYSIS; EVIDENCE.

It shall be the duty of the laboratory director, managers, and analysts to make analyses and examinations of such articles as shall be furnished to them by the commissioner, for the purpose of determining from such examination whether such articles are adulterated, misbranded, insufficiently labeled, unwholesome, poisonous, or deleterious and whether such articles have been manufactured, used, sold, transported, offered for use, sale, or transportation, or had in possession with intent to use, sell, or transport in violation of any law now or hereafter enacted relating to food, or of any definition, standard, rule, or ruling made and published thereunder, and to certify the result of such analysis and examination to the commissioner. A copy of the result of the examination or analysis of any such article, duly authenticated, by the analyst making such determinations or examination, under oath of such analyst, shall be prima facie evidence in all courts of the matters and facts therein contained.

History: *(3807) 1921 c 495 s 18; 1961 c 144 art 2 s 11; 1985 c 248 s 70; 2012 c 244 art 1 s 32*

31.131 EMERGENCY PERMIT CONTROL.

Subdivision 1. **Temporary conditional permits.** Whenever the commissioner finds after investigation that the distribution in the state of Minnesota of any class of food may, by reason of contamination with microorganisms during manufacture, processing, or packing thereof in any locality, be injurious to health,

and that such injurious nature cannot be adequately determined after such articles have entered commerce, the commissioner then, and in such case only, shall promulgate rules providing for the issuance, to manufacturers, processors, or packers of such class of food in such locality, of permits to which shall be attached such conditions governing the manufacture, processing, or packaging, or packing of such class of food, for such temporary period of time as may be necessary to protect the public health; and after the effective date of such rules, and during such temporary period, no person shall introduce or deliver for introduction into commerce any such food manufactured, processed, or packed by any such manufacturer, processor, or packer unless such manufacturer, processor, or packer holds a permit issued by the commissioner as provided by such rules.

Subd. 2. **Immediate permit suspension.** The commissioner is authorized to suspend immediately upon notice any permit issued under authority of this section if it is found that any of the conditions of the permit have been violated. The holder of a permit so suspended may at any time apply for the reinstatement of such permit, and the commissioner shall, immediately after prompt hearing and inspection of the establishment, reinstate such permit or issue an amended permit if it is found that adequate measures have been taken to comply with and maintain the conditions of the permit, as originally issued, or as amended.

Subd. 3. **Inspection.** Any officer or employee duly designated by the commissioner shall have access to any factory or establishment, the operator of which holds a permit from the commissioner, for the purpose of ascertaining whether or not the conditions of the permit are being complied with, and denial of access for such inspection shall be ground for suspension of the permit until such access is freely given by the operator.

History: *1974 c 84 s 34; 1985 c 248 s 70; 1986 c 444*

31.132 PUBLICITY.

Subdivision 1. **Reports.** The commissioner may cause to be published from time to time reports summarizing all judgments, decrees, and court orders which have been rendered under the Minnesota Food Law, including the nature of the charge and the disposition thereof.

Subd. 2. **Public health information.** The commissioner may also disseminate such substantiated information regarding food as the commissioner deems necessary in the interest of public health and the protection of the consumer against fraud. Nothing in this section shall be construed to prohibit the commissioner from collecting, reporting, and illustrating the results of the investigations of the commissioner.

History: *1974 c 84 s 35; 1986 c 444*

31.14 MS 2010 [Repealed, 2012 c 244 art 2 s 36]

31.15 DISPOSAL OF RECEIPTS.

In all prosecutions under section 34A.04, save as therein specifically provided, the fine or fines collected by and under the same shall be forthwith transmitted by the officer collecting the same to the commissioner of management and budget, to the credit of the general fund, and all other fees and payments made to the commissioner, except as aforesaid, shall be accounted for and disposed of in the same manner.

History: *(3810) 1921 c 495 s 21; 1961 c 144 art 2 s 13; 1969 c 399 s 1; 2003 c 112 art 2 s 50; 2009 c 101 art 2 s 109; 2013 c 125 art 1 s 19*

31.16 [Renumbered 31.601]

31.161 FOOD; INSANITARY CONDITIONS PROHIBITED.

No person, firm, or corporation shall operate any bakery, confectionery, creamery, dairy, dairy barn, milk depot, laboratory, hotel, restaurant, cafe, dining room, eating house, fruit box, receptacle, fruit stand, or vehicle of any kind, packing or slaughter house, ice cream plant, or any place where any fruit or food products are manufactured, packed, stored, deposited, collected, prepared, produced, or served for the purpose of sale or profit, or sold for any purpose whatever, if the same is in a filthy, unclean, or insanitary condition, or is permitted to be in a filthy, unclean, or insanitary condition.

History: *(3832) 1921 c 495 s 43*

31.165 REMOVAL OF INSANITARY CONDITIONS.

If, in the opinion of the commissioner or the commissioner's assistant, inspector, or agent, after an investigation thereof, any bakery, confectionery, creamery, dairy, dairy barn, milk depot, laboratory, hotel, restaurant, cafe, dining room, or eating house, fruit box, receptacle, fruit stand, or vehicle of any kind, packing or slaughter house, ice cream plant, or any place where any fruit or any food products are manufactured, packed, stored, deposited, collected, prepared, produced, served or sold for any purpose whatever, is operated in violation of section 31.161, the commissioner, assistant, inspector, or agent shall notify, in writing, the proprietor, owner, or manager of such bakery, confectionery, creamery, dairy, dairy barn, milk depot, laboratory, hotel, restaurant, cafe, dining room or eating house, fruit box or receptacle, fruit stand, or vehicle of any kind, packing or slaughter house, ice cream plant, or any place where any fruit or any food products are manufactured, packed, stored, deposited, collected, prepared, produced, served, or sold for any purpose, to place the same in a clean and sanitary condition within a reasonable time to be stated in the notice, which time so stated shall in no case be less than two days, and failure to comply with such notice within the time so stated shall be deemed a violation of the provisions of sections 31.161 to 31.171.

History: *(3833) 1921 c 495 s 44; 1961 c 144 art 2 s 14; 1986 c 444*

31.17 [Renumbered 31.611]

31.171 EMPLOYMENT OF DISEASED PERSON.

It shall be unlawful for any person to work in or about any place where any fruit or any food products are manufactured, packed, stored, deposited, collected, prepared, produced or sold, whose condition is such that disease may be spread to associates direct, or through the medium of milk, cream, butter, other food or food products, likely to be eaten without being cooked after handling, whether such condition be due to a contagious or infectious disease, in its active or convalescent stage, or to the presence of disease germs, whether accompanied by, or without, any symptoms of the disease itself.

It shall be the duty of the commissioner, or the commissioner's assistant, inspector, or agent, to report to the state commissioner of health for investigation, any person suspected to be dangerous to the public health, as provided for in this section, and immediately to exclude such person from such employment pending investigation and during the period of infectiousness, if such person is certified by the state commissioner of health, or an authorized agent, to be dangerous to the public health.

History: *(3834) 1921 c 495 s 45; 1977 c 305 s 45; 1986 c 444; 2008 c 297 art 1 s 17*

31.175 WATER, PLUMBING, AND SEWAGE.

A person who is required by statutes administered by the Department of Agriculture, or by rules adopted pursuant to those statutes, to provide a suitable water supply, or plumbing or sewage disposal system shall

not engage in the business of manufacturing, processing, selling, handling, or storing food at wholesale or retail unless the person's water supply is satisfactory pursuant to rules adopted by the Department of Health, the person's plumbing is satisfactory pursuant to rules adopted by the Department of Labor and Industry, and the person's sewage disposal system satisfies the rules of the Pollution Control Agency. This section does not limit the commissioner's ability to issue a food handler's license when an investigation completed pursuant to section 28A.07 has determined the requirements of this section are not relevant and the applicant is considered fit to engage in business as described in the license application.

History: *1983 c 300 s 14; 1986 c 444; 2007 c 140 art 12 s 1; 2008 c 297 art 1 s 18; 2020 c 101 s 2*

31.18 [Renumbered 31.651]

31.185 Subdivision 1. MS 2000 [Repealed, 1Sp2001 c 2 s 162]

Subd. 2. MS 2000 [Repealed, 1Sp2001 c 2 s 162]

Subd. 3. MS 1969 [Repealed, 1971 c 339 s 27; 1Sp2001 c 2 s 162]

Subd. 4. MS 2000 [Repealed, 1Sp2001 c 2 s 162]

Subd. 5. MS 2000 [Repealed, 1Sp2001 c 2 s 162]

Subd. 6. MS 2000 [Repealed, 1Sp2001 c 2 s 162]

Subd. 7. MS 2000 [Repealed, 1Sp2001 c 2 s 162]

Subd. 8. MS 2000 [Repealed, 1Sp2001 c 2 s 162]

Subd. 9. MS 2000 [Repealed, 1Sp2001 c 2 s 162]

Subd. 10. MS 2000 [Repealed, 1Sp2001 c 2 s 162]

Subd. 11. MS 2000 [Repealed, 1Sp2001 c 2 s 162]

Subd. 12. MS 2000 [Repealed, 1Sp2001 c 2 s 162]

Subd. 13. MS 2000 [Repealed, 1Sp2001 c 2 s 162]

31.19 [Renumbered 32.56]

31.20 [Renumbered 32.57]

31.21 [Renumbered 32.58]

31.22 [Renumbered 32.59]

31.23 [Renumbered 32.60]

31.24 [Renumbered 32.61]

31.25 [Renumbered 32.62]

31.26 [Renumbered 32.63]

31.27 [Renumbered 32.64]

31.28 [Renumbered 31.161]

31.29 [Renumbered 31.165]

31.30 [Renumbered 31.171]

CANNERIES

31.31 COMMERCIAL CANNERIES, REGULATION.

All commercial canneries shall be under the supervision and regulation of the commissioner. For the purpose of sections 31.31 to 31.392, a commercial cannery is defined to mean any place or building where food is received in a raw or partly processed form, except for meats and meat products frozen in retail stores for sale directly to the consumer, for the purpose of canning in hermetically sealed containers and where sterilization by heat is used, or where preservation of vegetable products is accomplished by the use of approved chemical preservatives, sugar, salt or acidity factors introduced as ingredients or additives, or by freezing food for sale as and for food in any other type of vessel, bottle, can, bag, container or other type or form of package, and the products placed on the market for general consumption as human food; but shall not include private homes where farmers or others may pack or preserve vegetables, fruits, fish or other food products for their own use, or a food establishment that processes meat or poultry products under supervision of the U.S. Department of Agriculture. At such times as the commissioner may deem proper, the commissioner shall cause all commercial canneries to be inspected, and shall require the correction of all unsanitary conditions or practices found therein, and may search and enter all cupboards, closets, or any other places in such canneries for the purpose of enforcing the provisions of laws and rules provided therefor.

History: *(3835) 1921 c 495 s 46; 1927 c 177 s 1; 1947 c 558 s 1; 1955 c 499 s 1; 1961 c 144 art 4 s 1; 1967 c 673 s 1; 1975 c 412 s 18; 1985 c 248 s 70; 1986 c 444*

31.311 INSPECTION UNDER SUPERVISION OF COMMISSIONER.

The inspection of commercial canneries shall be under the supervision of the commissioner of the Department of Agriculture. The commissioner shall appoint trained and qualified sanitarians who shall inspect commercial canneries as often as is necessary, conduct bacteriological surveys, make sanitary inspections, and assist the canning industry. All commercial canneries shall comply with all food and sanitary laws and related rules; shall use only proper raw materials and ingredients in the preparation of food products; and shall utilize approved processing techniques in the packing and preservation of food products. In making inspections of commercial canneries the quality of any raw materials or ingredients used in canning, packing, or preserving food products shall be examined, and any raw materials or other ingredients thereof unfit for use in the packaging, canning, or preservation of food products shall be condemned. All such trained and qualified sanitarians and bacteriologists employed under the provisions of Laws 1967, chapter 673, shall be subject to the provisions of chapter 43A. All analyses, examinations, and assays of food samples and specimens either obtained during inspections or submitted to the laboratories of the Minnesota Department of Agriculture pursuant to law or rules shall be examined, analyzed, or assayed under the supervision of a bacteriologist of the Department of Agriculture.

History: *1947 c 558 s 2; 1957 c 114 s 1; 1961 c 113 s 1; 1967 c 673 s 2; 1981 c 210 s 54; 1985 c 248 s 70*

31.32 REPORTS; INFORMATION FURNISHED.

The commissioner shall issue public bulletins of information, report and publish the conditions found in canning factories, furnish and disseminate information regarding the canning industry, and for that purpose may arrange for educational exhibits and demonstrations, public meetings, and give instructions to processors

and superintendents of canneries; such information shall be available to any person who is a resident of this state, or those now engaged in the business of canning, and to those who may hereafter engage therein who may properly apply therefor.

History: *(3836) 1921 c 495 s 47*

31.33 MS 1969 [Repealed, 1971 c 339 s 27]

31.34 MS 1945 [Repealed, 1947 c 558 s 6]

31.35 MS 1945 [Repealed, 1947 c 558 s 6]

31.36 RULES FOR CANNERIES.

The commissioner, in the manner provided by law, may prescribe rules for the operations of canneries, and proper labels, standards, and definitions of grades on products of canneries.

History: *(3840) 1921 c 495 s 51; 1961 c 144 art 4 s 2; 1985 c 248 s 70*

31.37 NOTICE OF INTENTION TO OPERATE.

Any person owning or operating a canning factory shall, by written notice on or before June first, of each year, notify the commissioner whether or not such factory is to be operated during that season or year, giving kinds and varieties of products to be canned or manufactured that season. At least ten days prior to the beginning of operation of any canning factory, the commissioner shall be notified, in writing, of such intended operation. On or before November fifteenth, of each year, the owner, manager, or superintendent of such factory shall furnish the commissioner, agent, or inspector, with a report giving such information concerning the factory as the commissioner, agent, or inspector may require.

History: *(3841) 1921 c 495 s 52; 1986 c 444*

31.38 CERTIFICATE OF INSPECTION, COMMERCIAL CANNERIES; LABELS, BRANDS.

The commissioner shall furnish to each commercial cannery that shall have fully complied with the provisions of sections 31.31 to 31.392, a certificate of inspection that such cannery has been inspected and has complied with all laws and rules applying thereto. The commissioner may authorize the proprietor of such cannery to use the following or similar label or brand on products: "Packed under rules of, and in cannery inspected by Minnesota Department of Agriculture," or such other label, trademark, device, brand, or guarantee certificate as the commissioner may designate or adopt.

History: *(3842) 1921 c 495 s 53; 1927 c 177 s 4; 1961 c 113 s 1; 1961 c 144 art 4 s 3; 1985 c 248 s 70; 1986 c 444*

31.39 ASSESSMENTS; INSPECTION SERVICES; COMMERCIAL CANNERIES ACCOUNT.

Subdivision 1. **Assessments.** The commissioner is hereby authorized and directed to collect from each commercial cannery an assessment for inspection and services furnished, and for maintaining a bacteriological laboratory and employing such bacteriologists and trained and qualified sanitarians as the commissioner may deem necessary. The assessment to be made on each commercial cannery, for each and every packing season, shall not exceed one-half cent per case on all foods packed, canned, or preserved therein, nor shall the assessment in any one calendar year to any one cannery exceed $6,000, and the minimum assessment to any cannery in any one calendar year shall be $100. The commissioner shall provide appropriate deductions from assessments for the net weight of meat, chicken, or turkey ingredients which have been inspected and

passed for wholesomeness by the United States Department of Agriculture. The commissioner may, when the commissioner deems it advisable, graduate and reduce the assessment to such sum as is required to furnish the inspection and laboratory services rendered. The amount of the assessment shall be due and payable on or before December 31, of each year, and if not paid on or before February 15 following, shall bear interest after that date at the rate of seven percent per annum, and a penalty of ten percent on the amount of the assessment shall also be added and collected.

Subd. 2. **Commercial canneries inspection account; appropriation.** A commercial canneries inspection account is created in the agricultural fund. The assessments collected under subdivision 1 shall be deposited in the commercial canneries inspection account. Money in the account is appropriated to the commissioner to meet the expense of special inspection, laboratory, and other services rendered, as provided in sections 31.31 to 31.392.

History: *(3843) 1921 c 495 s 55; 1923 c 379 s 1; 1925 c 385 s 1; 1927 c 177 s 5; 1947 c 558 s 3; 1961 c 144 art 4 s 4; 1967 c 673 s 3; 1971 c 339 s 21; 1975 c 412 s 19; 1986 c 444; 1991 c 254 art 3 s 17; 1Sp2001 c 2 s 54*

31.391 MS 1965 [Repealed, 1967 c 673 s 4]

31.392 CANNING IN DWELLING OR BASEMENT.

No commercial canning of any food products shall be permitted in a house or dwelling or in the basement of any building.

History: *1947 c 558 s 5*

31.393 MS 2010 [Repealed, 2012 c 244 art 2 s 36]

31.40 [Renumbered 31.90]

31.401 MS 1982 [Repealed, 1983 c 300 s 28]

31.402 MS 1982 [Repealed, 1983 c 300 s 28]

31.403 MS 1982 [Repealed, 1983 c 300 s 28]

31.404 MS 1982 [Repealed, 1983 c 300 s 28]

31.405 MS 1982 [Repealed, 1983 c 300 s 28]

31.406 MS 1982 [Repealed, 1983 c 300 s 28]

31.41 [Renumbered 31.903]

31.411 MS 1969 [Repealed, 1971 c 339 s 27]

31.42 MS 1957 [Repealed, 1961 c 144 art 6 s 6]

31.421 MS 1969 [Repealed, 1971 c 339 s 27]

31.43 [Renumbered 31.905]

31.431 MS 1969 [Repealed, 1971 c 339 s 27]

31.435 [Renumbered 31.621]

31.436 [Renumbered 31.631]

31.44 Subdivision 1. [Renumbered 31.91, subdivision 1]

Subd. 2. [Renumbered 32.645, subdivision 1]

Subd. 3. [Renumbered 32.645, subd 2]

Subd. 4. [Renumbered 31.393]

Subd. 5. [Renumbered 31.91, subd 2]

31.441 MS 1969 [Repealed, 1971 c 339 s 27]

31.451 MS 1969 [Repealed, 1971 c 339 s 27]

31.461 MS 1969 [Repealed, 1971 c 339 s 27]

31.471 MS 1969 [Repealed, 1971 c 339 s 27]

31.481 MS 1969 [Repealed, 1971 c 339 s 27]

31.491 MS 1969 [Repealed, 1971 c 339 s 27]

31.492 MS 1969 [Repealed, 1971 c 339 s 27]

FOOD SALVAGE

31.495 REGULATION OF FOOD SALVAGE OPERATIONS.

Subdivision 1. **Definitions.** (a) For the purposes of this section, the terms defined in this subdivision have the meanings given them.

(b) "Distressed food" means any food, the label of which has been lost, defaced, or obliterated, or food which has been subjected to possible damage due to accident, fire, flood, adverse weather, or to any other similar cause; or food which is suspected of having been rendered unsafe or unsuitable for food use.

(c) "Reconditionable or salvageable food" is distressed food which it is possible to reclaim for food, feed, or seed use as determined by examination by the commissioner or the commissioner's representatives.

(d) "Reconditioned or salvaged food" is reconditionable or salvageable food which has been reconditioned or salvaged under supervision of the commissioner so as to comply with the standards established under this section.

(e) "Reconditioning" or "salvaging" is the act of cleaning, culling, sorting, scouring, labeling, relabeling, or in any way treating "distressed food" so that it may be deemed to be "reconditioned" or "salvaged food" and therefore is acceptable for sale or use as human food, animal feed, or seed as provided therefor by the commissioner.

(f) "Salvage food processor" is a person who holds a license under section 28A.04 to operate as a salvage food processor and who receives supervision of the salvaging operations from the commissioner.

(g) "Labeling" means any legend or descriptive matter or design appearing upon an article of food or its container, and includes circulars, pamphlets and the like, which are packed and go with the article to the purchaser, and placards which may be allowed to be used to describe the food.

(h) "Salvage food distributor" means a person who engages in the business of selling, distributing, or otherwise trafficking at wholesale in any distressed or salvaged food.

Subd. 2. **Licensing; permit.** (a) It is unlawful for any person either to claim to be a salvage food processor, or to engage in the activities of reconditioning or salvaging distressed food, or both, without a license issued under section 28A.04 authorizing that person to operate as a salvage food processor, which license may not be issued absent compliance with all the provisions of this section and all rules promulgated under this section.

(b) Before issuing a license, the commissioner shall determine that the applicant's salvage establishment meets at least the minimum requirements adopted by rule for such an establishment which shall include but not be limited to adequacy of buildings, location, water supply, waste disposal, equipment, hand washing and toilet facilities, and sanitation practices, as the same relate to the protection of the public health and welfare.

(c) It is unlawful for any person either to claim to be a salvaged food distributor or to engage in the activities of selling, distributing, or otherwise trafficking in any distressed or salvaged food, or both, at wholesale, without a license issued under section 28A.04 authorizing that person to operate as a salvage food distributor, which license may not be issued absent compliance with all the provisions of this section and all rules adopted under this section.

Subd. 3. MS 1971 [Repealed, 1974 c 2 s 8]

Subd. 4. **Sale of distressed food.** (a) No salvage food processor shall sell distressed food for human food, animal feed, or seed without first notifying the commissioner who shall inspect and examine the distressed food and determine if it needs to be salvaged. If the commissioner determines that the distressed food is reconditionable or salvageable, the commissioner shall issue a stop sale order which shall require the distressed food to be held inviolate pending supervision of the reconditioning or salvaging of the distressed food by the commissioner. If distressed food is found to be in need of salvage and is salvageable, the commissioner shall direct it to be salvaged by any salvage food processor who holds a valid license and is duly authorized by the owner of the food or the owner's agent to salvage it, after which the salvaged food shall be released by the commissioner for sale. If it is found not to be salvageable for human food, it may be salvaged for animal feed or seed, unless it is not suitable for animal feed or seed, in which case the commissioner shall render such distressed food unsalable for use as human food, animal feed, or seed and order it disposed of under the commissioner's supervision.

(b) No person shall offer for sale as human food any distressed food which has been diverted to animal feed or seed use or has been rendered unsalable as human food by the commissioner or the commissioner's assistants.

Subd. 4a. **Labeling requirements.** (a) Any container of food with the label or mandatory information missing that cannot be identified and relabeled correctly must not be sold. When original labels are missing or illegible, relabeling or overlabeling is required.

(b) All salvaged food, except as described in paragraph (e), shall be identified to indicate that the food has been salvaged by clearly marking the term "salvaged food" on all invoices, bills of lading, shipping invoices, receipts, and inventory records.

(c) All persons selling salvaged food, at retail, except as described in paragraph (e), shall notify the consumer that the food is salvaged either by (1) labeling each retail package or container "salvaged" or "reconditioned" or (2) posting a conspicuous placard at the retail display location stating "salvaged food"

or "reconditioned food." Placards must be readable, using letters of not less than 1-1/2 inch type. Placards shall also state "This item has been reconditioned and has been determined wholesome for human consumption under applicable state requirements by (name of food seller)."

(d) All salvaged food in containers must be provided with labels that comply with the requirements contained in this chapter and chapters 29, 30, 31A, 32, 33, and 34. If original labels are removed from containers that are to be resold or redistributed, the replacement labels must show as the distributor the name and address of the salvage food processor and the date of reconditioning for sale or distribution.

(e) Paragraphs (b) and (c) do not apply to food products damaged in the normal course of handling and transportation, where the food is intact in its original container and has not been subject to fire, chemical spills, temperature abuse in perishable food products, immersion in water, or other similar risk of contamination.

(f) The commissioner, in consultation with the commissioner of health, may adopt rules providing for the identification and labeling of food products pursuant to this subdivision.

Subd. 4b. **Record-keeping requirements.** A written record or receipt of distressed, salvageable, and salvaged food must be kept by the salvage food processor and distributor for inspection by the commissioner during business hours. The records must include the name of the product, the source of the distressed food, the date received, the type of damage, the salvage process conducted, and the purchaser of the salvaged food. These records must be kept on the premises of the salvage food processor and distributor for a period of one year following the completion of transactions involving the food.

Subd. 5. **Exceptions.** The provisions of this section do not apply to:

(1) any food manufacturer, distributor, retailer, or processor who in the normal course of the business of manufacturing, processing, retailing, or distributing of food engages in the activities of reconditioning and salvaging distressed food manufactured, distributed or processed by or for that person and not purchased by that person solely for the purpose of reconditioning, salvaging, and sale;

(2) any person who reassembles or disposes of undamaged food which is from lots in which food or packaging materials or containers are damaged in the normal course of commerce or while in that person's possession and which is not purchased by that person solely for the purpose of reconditioning, salvaging, and sale, or any common carrier or agent of the common carrier who disposes of or otherwise transfers undamaged or distressed food to a person exempt under this section or to a salvage food processor who holds a valid license under this section; or

(3) any person who stores, handles or processes grain or oil seeds in the normal course of business except when such person purchases for the purpose of reconditioning, salvaging, and sale as human food grain or oil seeds contaminated by bird, rodent or animal excreta or by chemicals poisonous, injurious or detrimental to human life or health.

History: *1967 c 635 s 1; 1969 c 399 s 1; 1971 c 339 s 22,23; 1974 c 406 s 5,6; 1985 c 248 s 70; 1986 c 444; 1994 c 563 s 2-6; 1995 c 186 s 13,14*

31.50 MS 1992 [Repealed, 1994 c 623 art 5 s 3]

SLAUGHTER HOUSES; PACKING PLANTS

31.51 DEFINITIONS.

Subdivision 1. **Scope.** For the purpose of sections 31.51 to 31.56, the terms defined in this section have the meanings ascribed to them.

Subd. 2. **Slaughter house.** "Slaughter house" means an establishment in which animals other than poultry are slaughtered, eviscerated, or dressed for human food.

Subd. 3. **Retail meat market; wholesale meat processing establishment.** "Retail meat market" or "wholesale meat processing establishment" means an establishment with or without slaughtering facilities, where animal carcasses or edible products derived therefrom are cured, salted, processed, packaged, or otherwise prepared for sale as food intended for human consumption; provided, however, that retail meat market or wholesale meat processing establishment does not include: (1) a purveyor of meals, or (2) a frozen food processing plant in which no slaughtering operations are conducted.

Subd. 4. **Sausage plant.** "Sausage plant" means an establishment in which meats are processed into sausages or other similar products and packed for shipment, storage, or for wholesale sales.

Subd. 5. MS 1967 [Repealed, 1969 c 87 s 7]

Subd. 6. **Poultry dressing plant.** "Poultry dressing plant" means an establishment in which poultry is killed and dressed for human food.

Subd. 7. MS 1967 [Repealed, 1969 c 87 s 7]

Subd. 8. **Rabbit dressing plant.** "Rabbit dressing plant" means an establishment in which rabbits are killed and dressed for human food.

Subd. 9. **Animal.** "Animal" means cattle, swine, sheep, goats, farmed Cervidae, as defined in section 35.153, subdivision 3, horses, mules or other equines, llamas as defined in section 17.455, subdivision 2, and Ratitae, as defined in section 17.453, subdivision 3.

Subd. 10. MS 1994 [Repealed, 1996 c 310 s 1]

Subd. 11. MS 1961 [Repealed, 1963 c 598 s 4]

Subd. 12. MS 1994 [Repealed, 1996 c 310 s 1]

Subd. 13. MS 1967 [Repealed, 1969 c 87 s 7]

Subd. 14. **Purveyor of meals.** "Purveyor of meals" means a person who cooks or otherwise prepares for sale directly to the consumer meat or poultry products from animals or poultry which have been slaughtered or processed in a state licensed establishment, or an establishment holding a state permit or in an establishment which is under the inspection program of the United States Department of Agriculture.

History: *1955 c 494 s 1; 1959 c 284 s 1-5; 1961 c 113 s 1; 1961 c 560 s 2,3; 1963 c 598 s 1; 1969 c 87 s 1-4; 1983 c 300 s 15; 1993 c 375 art 9 s 8; 2002 c 379 art 1 s 12; 2006 c 212 art 1 s 22; 2013 c 125 art 1 s 20*

31.52 MS 1969 [Repealed, 1971 c 339 s 27]

31.53 INSPECTIONS; CORRECTIVE ORDERS.

The commissioner shall at such times as the commissioner deems necessary cause any plant processor or place of business where animal or poultry slaughtering, packing or processing occurs, to be inspected and shall make such order as is necessary to correct unsanitary conditions in any such plant. Each order shall specify the time within which it shall be complied with, and such order shall be served in person or by certified mail. Failure to comply with such orders within the time stated shall be deemed a violation of this section. The commissioner or any of the commissioner's representatives or inspectors may enter any plant or any place of business in which such operations are being conducted, at any reasonable hour for inspection purposes. Free access to every part of the premises shall be afforded and aid and assistance necessary to enable the person making the inspection to make a thorough and complete examination shall be given.

History: *1955 c 494 s 3; 1969 c 87 s 6; 1978 c 674 s 60; 1986 c 444*

31.54 RULES.

The commissioner may, in order to supplement federal regulation and inspection of any plant, processor or place of business, promulgate rules covering the construction and operation of such plants or processor, the water supply, sanitary conditions and disposal of sewage, offal, vapors, odors and gases and all other sanitary conditions and precautions for the purpose of insuring the purity of the products prepared at any such plant or place of business in which such operations will be or are conducted, where such operations are not then federally inspected or licensed.

History: *1955 c 494 s 4*

31.55 MS 1969 [Repealed, 1971 c 339 s 27]

31.56 LIMITATION.

Subdivision 1. **Farmer's own animals.** Sections 31.51 to 31.56 do not apply to a farmer slaughtering the farmer's own rabbits or poultry on the farmer's own farm for: (1) personal use, (2) the use of the farmer's immediate family, or (3) sale directly to the ultimate consumer; or to the farmer slaughtering the farmer's own animals on the farmer's own farm for personal use or the use of the farmer's household and nonpaying guests and employees.

Subd. 2. **Dead or dying animals.** No animals, poultry, or rabbits that were in a dying condition when killed, nor animals that have died as a result of accident or of natural causes or disease, shall be accepted, for any purpose whatsoever into any establishment licensed under sections 28A.04 to 28A.10.

Subd. 3. **Injured animals slaughtered elsewhere.** When it is necessary to slaughter an injured animal at a location other than in an approved establishment, the carcass may be accepted into an approved establishment provided that the carcass with the head and all viscera, except the stomach, bladder and intestines, held by the natural attachments is inspected and approved for further processing by a licensed veterinarian.

Subd. 4. **Procedures in same establishment.** Every animal which is eviscerated in a state licensed establishment must have been killed and bled in the establishment.

Subd. 5. **Prohibited sales.** Except as provided in this section, no person shall sell, offer for sale, or possess with intent to sell any meat, poultry, or rabbit product unless said product comes from animals,

poultry, or rabbits which have been slaughtered or processed in establishments which are licensed by the state or are under the inspection program of the United States Department of Agriculture.

History: *1955 c 494 s 6; 1959 c 284 s 7; 1963 c 598 s 3; 1971 c 25 s 14; 1971 c 339 s 24; 1983 c 300 s 16; 1986 c 444; 2013 c 125 art 1 s 21*

31.57 MS 1969 [Repealed, 1971 c 339 s 27]

31.58 MS 2010 [Repealed, 2012 c 244 art 2 s 36]

SLAUGHTER OF LIVESTOCK

31.59 HUMANE SLAUGHTER OF LIVESTOCK; DEFINITIONS.

Subdivision 1. **Scope.** For the purposes of sections 31.59 to 31.591, the following terms have the meanings given them.

Subd. 2. **Slaughterer.** "Slaughterer" means any person, partnership, corporation, or association regularly engaged in the commercial slaughtering of livestock.

Subd. 3. **Livestock.** "Livestock" means cattle, horses, swine, sheep and goats.

Subd. 4. **Humane methods.** "Humane methods" means:

(1) Any method of slaughtering livestock which normally causes animals to be rendered insensible to pain by a single blow of a mechanical instrument or shot of a firearm or by chemical, or other means that are rapid and effective, before being shackled, hoisted, thrown, cast, or cut; or

(2) The methods of preparation necessary to safe handling of the animals for Halal ritual slaughter, Jewish ritual slaughter and of slaughtering required by the ritual of the Islamic or Jewish faith, whereby the animal suffers loss of consciousness by anemia of the brain caused by the simultaneous and instantaneous severance of the carotid arteries with a sharp instrument.

Subd. 5. **Inhumane method.** The use of a manually operated hammer or sledge is declared an inhumane method of slaughter.

History: *1959 c 670 s 1; 2001 c 54 s 1; 2013 c 125 art 1 s 22*

31.591 SLAUGHTER MUST BE HUMANE.

After July 1, 1961, no slaughterer may slaughter livestock or handle livestock in connection with slaughter except by humane method.

History: *1959 c 670 s 2*

31.592 MS 2010 [Repealed, 2012 c 244 art 2 s 36]

MEATS, GENERALLY

31.60 MEAT INDUSTRY DIVISION.

Subdivision 1. **Division duties; director; personnel.** A Meat Industry Division is created in the Department of Agriculture which shall enforce and administer laws enforced and administered by the commissioner of agriculture relating to meat, fish, and dressed poultry, except laws enforced and administered

by the Division of Poultry Industries. The Meat Industry Division is under the supervision of a director in the classified service. The commissioner shall appoint the director, who shall be experienced and knowledgeable in the meat industry.

Subd. 2. MS 1982 [Repealed, 1983 c 260 s 68]

Subd. 3. MS 1982 [Repealed, 1983 c 260 s 68]

History: *Ex1967 c 36 s 1; 1973 c 507 s 45; 1975 c 271 s 6; 1975 c 315 s 5,6; 1980 c 617 s 47; 2008 c 204 s 42; 2009 c 101 art 2 s 60*

31.601 PROTECTION OF MEAT.

Every dealer in meats, fish, fowl, or game for human food, at the place of offering or exposing for sale, and in the transportation of such food from place to place to customers, shall protect the same from dust, flies, and other vermin or substance which may injuriously affect it, by securely covering it while being so offered or exposed for sale or transported. Every violation of the foregoing provision shall be a misdemeanor.

History: *(3825) 1921 c 495 s 36*

31.602 SALE OF UNWHOLESOME POULTRY OR GAME.

Every person who shall offer or expose for sale at retail, for human food, at any public market, store, shop, or house, or in or about any street or other public place, any domestic or wild fowls, or any slaughtered rabbits, squirrels, or other small animals, wild or tame, unless the entrails, crops, or other offensive parts are properly drawn and removed shall be guilty of a misdemeanor.

History: *(10251) RL s 4994*

31.611 VEAL.

No person shall sell, offer or expose for sale, or have in possession with intent to sell, the veal of calves killed when less than four weeks old. Any person violating any of the provisions of this section shall be guilty of a misdemeanor and shall be fined not less than $50, or by imprisonment for not less than 60 days.

History: *(3826) 1921 c 495 s 37*

31.621 SALE OF HORSE MEAT FOR HUMAN CONSUMPTION.

Subdivision 1. **Requirements.** It shall be unlawful for any person to sell, offer or expose for sale, or have in possession with intent to sell, horse meat for human consumption:

(1) unless a sign is posted in a conspicuous place both inside and outside the store, eating establishment, or building in which said meat is sold or offered or exposed for sale, reading "horse meat sold here";

(2) unless the counter or container in which the same is offered or exposed for sale is plainly and conspicuously marked with the words "horse meat" and no other meat of any kind shall be placed in the same container with horse meat; if horse meat is placed in the same counter with other cuts of meat each cut shall be plainly labeled "horse meat";

(3) unless all packages, boxes or containers in which horse meat is delivered to the purchaser shall be plainly and conspicuously marked with the words "horse meat."

Subd. 2. **Sales in restaurants and boarding houses.** It shall be unlawful for any restaurant, boarding house or other place where food is served to the public to prepare or serve horse meat to any customer or

patron unless a sign is posted in a conspicuous place, both inside and outside the building or restaurant in which such meat is prepared and sold reading "horse meat served here," and unless the same words are printed or typed on all menus used therein.

Subd. 3. **Mixed meat.** In the event that horse meat is mixed with any other kind of meat, the mixture shall be considered as horse meat and its sale, preparation or serving shall be subject to all of the provisions of this section.

Subd. 4. **Enforcement.** The commissioner shall enforce the provisions of this section.

Subd. 5. MS 2010 [Repealed, 2012 c 244 art 2 s 36]

History: *1943 c 446 s 1-5; 1959 c 606 s 10; 1961 c 144 art 2 s 18; 1965 c 45 s 3*

31.631 HORSE MEAT INTENDED FOR OTHER THAN HUMAN CONSUMPTION.

Subdivision 1. **Preparation.** It shall be unlawful for any person to offer or expose for sale, or possess or traffic in, any horse meat with intent to use or sell the same for other than human consumption unless it is denatured or decharacterized so as to make it readily distinguishable from horse meat intended for human consumption, or unless it complies with federal laws and regulations applicable thereto.

Subd. 2. **Labels.** All packing boxes and containers containing denatured horse meat shall bear thereon in a conspicuous manner in boldface type not less than one-half inch in height the statement "FOR ANIMAL FOOD ONLY." Such statement shall be printed or form a part of the main label affixed to or stamped on such packing boxes or containers, or shall be stamped on the same end or side of such packing boxes or containers that such main label is affixed or stamped thereon.

Subd. 3. **Inspection.** For obtaining information regarding compliance with law the commissioner of agriculture, and any of the commissioner's agents, representatives or employees, shall have access to all places, buildings or premises, and to all wagons, automobiles, vehicles or cars used in the preparation, production, distribution, transportation, exposing for sale or sale of any horse meat not intended for sale or use for human consumption and shall have such other authority as is provided in section 31.04.

Subd. 4. MS 2010 [Repealed, 2012 c 244 art 2 s 36]

History: *1953 c 583 s 1-4; 1961 c 113 s 1; 1986 c 444*

31.632 MINNESOTA APPROVED MEATS AND POULTRY; USE OF LABEL.

The commissioner may authorize, pursuant to rules promulgated in the manner provided by law, the use of the label "Minnesota Approved" on meats, meat products, poultry, and poultry products processed by persons licensed under sections 31.51 to 31.56, or by establishments under the inspection program of the United States Department of Agriculture, if the ingredients of the poultry, poultry products, meats, and meat products are meat, meat by-products, poultry, poultry products, or meat food products which have been inspected and passed by the United States Department of Agriculture, or the Minnesota Department of Agriculture and further if the poultry, poultry products, meats, and meat products, after such processing, are sound, healthful, wholesome, and fit for human food. A person or establishment desiring to label poultry, poultry products, meats, and meat products as provided in this section shall apply to the commissioner for authority to do so. The commissioner shall grant this authority to the applicant if the applicant complies with the provisions of this section and rules promulgated pursuant to this section. A person using the label

"Minnesota Approved" on poultry, poultry products, meat, or meat products contrary to law is guilty of a misdemeanor.

History: *1963 c 187 s 1; 1969 c 663 s 1; 1985 c 248 s 70; 2000 c 477 s 31; 2013 c 125 art 1 s 23*

31.633 MEAT OR POULTRY SUBSTITUTES; INDICATION ON MENU; PENALTIES.

Subdivision 1. **Menu requirement.** Any restaurant, eating place, or other establishment serving meat or poultry in any form to the public that has any filler or meat or poultry substitute added to it or incorporated in it, shall clearly and prominently indicate on its menu or bill of fare the meat entrees that contain filler or meat or poultry substitutes.

Subd. 2. MS 2010 [Repealed, 2012 c 244 art 2 s 36]

History: *1975 c 133 s 1; 2000 c 477 s 32*

KOSHER AND HALAL FOODS

31.651 KOSHER PRODUCTS, UNLAWFUL SALE.

Subdivision 1. **Kosher requirements.** No person shall sell or expose for sale any poultry, poultry products, meat, or meat preparations and falsely represent the same to be kosher, whether such poultry, poultry products, meat, or meat preparations be raw or prepared for human consumption; nor shall the person permit any such products or the contents of any package or container to be labeled or to have inscribed thereon the word "kosher" in any language unless such products display a stamp, label, or other type of indicia from a rabbinic authority indicating that the products were prepared or processed in accordance with that rabbinic authority, with the name and institutional affiliation and denominational affiliation, if any, of the rabbinic authority identified.

Subd. 2. **Notice required.** Any person who sells or exposes for sale in the same place of business both kosher and nonkosher poultry, meat, or meat preparations, either raw or prepared for human consumption, shall indicate on window signs and all display advertising, in block letters at least four inches in height, "kosher and nonkosher meat and poultry sold here"; and shall display over each kind of poultry, meat, or meat preparation so exposed a sign, in block letters at least two inches in height, reading, "kosher meat," "kosher poultry," "nonkosher meat," or "nonkosher poultry," as the case may be; provided that subdivision 2 shall not apply to persons selling or offering for sale kosher poultry, poultry products, meats, or meat products solely in separate consumer packages, which have been prepackaged and properly labeled "kosher."

Subd. 3. **Presumption.** Possession of nonkosher poultry, poultry products, meat, or meat preparations in any place of business shall be presumptive evidence that the person in possession thereof exposes the same for sale.

Subd. 4. **Prima facie evidence.** The absence of a duly sanctioned kosher "plumba," mark, stamp, tag, brand, or label from any poultry, poultry products, meat, meat preparation, or food product shall be prima facie evidence that such product is nonkosher.

History: *(3826-1) 1929 c 398 s 1; 1959 c 563 s 1; 1986 c 444; 2000 c 477 s 33; 2004 c 232 s 1*

31.658 HALAL PRODUCTS.

Subdivision 1. **Halal food requirements.** A person must not:

(1) serve, sell, or expose for sale food or food products, meat or meat products, or poultry or poultry products that are falsely represented as Halal;

(2) permit food, food products, meat or meat products, or poultry or poultry products, or the contents of a package or container to be labeled or inscribed with the "Halal" sign unless the food or food products, meat or meat products, or poultry or poultry products have been prepared and maintained in compliance with the laws and customs of the Islamic religion; or

(3) make an oral or written statement that deceives or otherwise leads a reasonable person to believe that non-Halal food or food products, meat or meat products, or poultry or poultry products are Halal.

Subd. 2. **Presumption.** Possession of non-Halal food or food products, meat or meat products, or poultry or poultry products in a place of business is presumptive evidence that the person in possession of them exposes them for sale.

Subd. 3. **Defense.** It is a defense against a charge of misrepresenting non-Halal food or food products, meat or meat products, or poultry or poultry products as Halal that the person relied in good faith upon the representation of a slaughterhouse, manufacturer, processor, packer, distributor, or person or organization which certifies or represents a food or food product, meat or meat product, or poultry or poultry product as having been prepared under or sanctioned by Islamic religious requirements.

History: *2001 c 54 s 2*

31.661 MARKS, STAMPS, TAGS, BRANDS, OR LABELS.

No person shall:

(1) willfully mark, stamp, tag, brand, label, or in any other way or by any other means of identification, represent or cause to be marked, stamped, tagged, branded, labeled, or represented as kosher or as having been prepared as prescribed by a rabbinic authority, with the name and institutional affiliation and denominational affiliation, if any, of the rabbinic authority identified, food or food products not kosher or not so prepared;

(2) willfully mark, stamp, tag, brand, label, or in any other way or by any other means of identification, represent or cause to be marked, stamped, tagged, branded, labeled, or represented as Halal or as having been prepared in accordance with the Islamic religious requirements, food or food products, meat or meat products, or poultry or poultry products not Halal or not so prepared;

(3) willfully remove, deface, obliterate, cover, alter, or destroy or cause to be removed, defaced, obliterated, covered, altered, or destroyed the original slaughterhouse plumba or any other mark, stamp, tag, brand, label, or any other means of identification affixed to foods or food products to indicate that such foods or food products are kosher or have been prepared as prescribed by a rabbinic authority, with the name and institutional affiliation and denominational affiliation, if any, of the rabbinic authority identified;

(4) willfully remove, deface, obliterate, cover, alter, or destroy or cause to be removed, defaced, obliterated, covered, altered, or destroyed the original Halal sign, mark, stamp, tag, brand, label, or any other means of identification affixed to foods or food products, meat or meat products, or poultry or poultry products to indicate that the foods or food products, meat or meat products, or poultry or poultry products are Halal or have been prepared in accordance with Islamic religious requirements;

(5) knowingly sell, dispose of, or possess for the purpose of resale to any person as kosher, any food or food products not having affixed thereto the original slaughterhouse plumba or any other mark, stamp, tag,

brand, label, or other means of identification employed to indicate that such food or food products are kosher or have been prepared as prescribed by a rabbinic authority, with the name and institutional affiliation and denominational affiliation, if any, of the rabbinic authority identified, or any food or food products to which such plumba, mark, stamp, tag, brand, label, or other means of identification has or have been fraudulently affixed; or

(6) knowingly sell, dispose of, or possess for the purpose of resale to any person as Halal, any food or food products, meat or meat products, or poultry or poultry products not having affixed the original Halal sign, mark, stamp, tag, brand, label, or other means of identification employed to indicate that the food or food products, meat or meat products, or poultry or poultry products are Halal or have been prepared in accordance with Islamic religious requirements or any food or food products, meat or meat products, or poultry or poultry products to which the original Halal mark, stamp, tag, brand, label, or other means of identification has been fraudulently affixed.

History: *1959 c 563 s 2; 1986 c 444; 2001 c 54 s 3; 2004 c 232 s 2*

31.671 RULES.

The commissioner of agriculture shall have the power to promulgate rules for the purpose of carrying out the provisions of sections 31.651 to 31.661.

History: *1959 c 563 s 3; 1961 c 113 s 1; 1985 c 248 s 70; 2013 c 125 art 1 s 24*

31.681 MS 2010 [Repealed, 2012 c 244 art 2 s 36]

HONEY

31.73 MS 2000 [Repealed, 1Sp2001 c 2 s 162]

31.74 HONEY.

Subdivision 1. **Honey defined.** As used in this section "honey" means the nectar and saccharine exudation of plants, gathered, modified and stored in the comb by honey bees, which is levorotatory, contains not more than 25 percent of water, not more than 25/100 percent of ash, and not more than eight percent sucrose.

Subd. 2. **Prohibited sale.** Notwithstanding any law or rule to the contrary, it is unlawful for any person to sell or offer for sale any product which is in semblance of honey and which is labeled, advertised, or otherwise represented to be honey, if it is not honey. The word "imitation" shall not be used in the name of a product which is in semblance of honey whether or not it contains any honey. The label for a product which is not in semblance of honey and which contains honey may include the word "honey" in the name of the product and the relative position of the word "honey" in the product name, and in the list of ingredients, when required, shall be determined by its prominence as an ingredient in the product.

Subd. 3. MS 2010 [Repealed, 2012 c 244 art 2 s 36]

Subd. 4. **Food consisting of honey and another sweetener.** Consistent with the federal act, the federal regulations incorporated under section 31.101, subdivision 7, and the prohibition against misbranding in sections 31.02 and 34A.03, the label for a food in semblance of honey and consisting of honey and another sweetener must include but is not limited to the following elements:

(1) a statement of identity that accurately identifies or describes the nature of the food or its characterizing properties or ingredients; and

(2) the common or usual name of each ingredient in the ingredient statement, in descending order of predominance by weight.

History: *1974 c 71 s 1; 1985 c 248 s 70; 2024 c 126 art 2 s 53; 2024 c 127 art 38 s 53*

DIETARY FOODS

31.75 ARTIFICIAL SWEETENING PRODUCTS.

Subdivision 1. **Labeling.** It is lawful for any person, firm, or corporation to manufacture and sell, or cause to be sold, within the state any article of food or beverage intended for human consumption as a special dietary product when such food or beverage is sweetened or made palatable with saccharin, sulfamate, or other artificial sweetening product approved by the commissioner of agriculture, when saccharin, sulfamate, or other approved artificial sweetening product is completely substituted for sugar or other nutritive sweetener in any defined article of food or beverage. The container in which any such food or beverage is sold or offered for sale to the public shall be clearly, legibly, and noticeably labeled. Such label shall contain the following information:

"FOR DIETARY PURPOSES," or "FOR DIETETIC USE," or "ARTIFICIALLY SWEETENED," or substantially similar statements approved by the commissioner, and a statement that the product contains (Name of approved artificial form of sweetening product), and a statement to the effect that the food contains a nonnutritive artificial sweetener, for use by persons who desire to restrict their intake of ordinary sweets.

Subd. 2. **Rules.** For the purpose of protecting the public interest in the manufacture, use, sale and transportation of food and promoting the free flow of approved foods in interstate commerce, and cooperation with the secretary of the United States Department of Agriculture and the commissioner of food and drugs of the United States Food and Drug Administration, the commissioner may prescribe, according to law and rules for the use of nutritive sweeteners and approved artificial, nonnutritive sweeteners separately or in combination in food, which are consistent as is practicable with the rules and regulations established under federal laws.

History: *1953 c 323 s 1; 1961 c 112 s 1; 1961 c 113 s 1; 1969 c 91 s 1; 1969 c 1067 s 1; 1985 c 248 s 70*

CONFECTIONS CONTAINING ALCOHOL

31.76 CONFECTIONS CONTAINING ALCOHOL.

Subdivision 1. **Definition.** "Confection containing alcohol" is a confection that contains or bears not more than five percent alcohol by volume where the alcohol is in a nonliquid form by reason of being mixed with other substances in the manufacture of the confection. "Confection containing alcohol" does not include liqueur-filled candy as defined in section 340A.101, subdivision 15b.

Subd. 2. **Regulations.** (a) A confection containing alcohol may not be sold to any person under the age of 21 years.

(b) Each confection containing alcohol must bear a label that contains (1) a conspicuous, readily legible statement that reads "This product may not be sold to anyone under age 21 years of age," and (2) a conspicuous, readily legible statement to the effect that the product contains less than five percent alcohol by volume.

(c) A confection containing alcohol may be sold only by (1) an exclusive liquor store licensed under chapter 340A, or (2) a business establishment that derives more than 50 percent of its gross sales from the sale of confections.

History: *1992 c 486 s 3*

BAKERIES

31.77 SANITATION AND PRODUCTS STANDARDS.

No city or other lawful authority may require sanitary requirements for bakeries, appurtenances, distribution vehicles, and bakery products, or standards of identity or labeling requirements for bakery products, which are not consistent with laws of this state administered by the state Department of Agriculture or rules promulgated by the commissioner of agriculture. Within 90 days after May 18, 1967, the commissioner shall promulgate rules relating to sanitary requirements for bakeries, appurtenances, distribution vehicles, bakery products, standards of identity and labeling requirements for bakery products which are at least equal to and no lower than those fixed by the Food and Drug Administration of the United States Department of Health, Education, and Welfare.

History: *1967 c 522 s 1; 1973 c 123 art 5 s 7; 1985 c 248 s 70*

QUALITY ASSURANCE DATING

31.781 DECLARATION OF POLICY.

The legislature recognizes the entire food industry in the nation as leaders in the world in providing wholesome, nutritious, fresh and clean food to its citizens and to others. The Minnesota Department of Agriculture is hereby authorized and directed to promulgate rules which provide for a quality assurance date on perishable foods, to assure this industry's continuation and the degree of improvement reasonable and feasible, so as to provide people with wholesome, nutritious, fresh and clean food.

History: *1973 c 686 s 1; 1985 c 248 s 70*

31.782 DEFINITIONS.

Subdivision 1. **Scope.** As used in sections 31.781 to 31.789, the following terms shall have the meanings ascribed to them.

Subd. 2. MS 1994 [Repealed, 1996 c 310 s 1]

Subd. 3. **Perishable food.** "Perishable food" means any food intended for human consumption (other than meat and poultry, frozen food, or fresh fruit or vegetables), which has a quality assurance date.

Subd. 4. **Quality assurance date.** "Quality assurance date" means any date after which the manufacturer or processor reasonably determines that the product may, by spoilage, wiltage, drying or any other foreseeable and normal natural phenomenon, lose its palatability or its desired or nutritive properties. The date shall include the day, month, and, if appropriate, the year.

History: *1973 c 686 s 2*

31.783 RULES, SCOPE.

Subdivision 1. **Rules.** The commissioner shall administer and enforce the provisions of sections 31.781 to 31.789 by rules adopted prior to October 1, 1973 pursuant to the Administrative Procedure Act.

Subd. 2. **90 days or less.** Perishable foods which bear a quality assurance date of 90 days or less from the date of packaging shall be dated in accordance with the rules adopted pursuant to sections 31.781 to 31.789.

Subd. 3. **More than 90 days.** Perishable foods which bear a quality assurance date of more than 90 days from the date of packaging may require dating in accordance with rules adopted pursuant to sections 31.781 to 31.789.

Subd. 4. **Waiver of rule.** Whenever the commissioner has reason to believe that any rule adopted pursuant to sections 31.781 to 31.789 is inappropriate or unsuitable to any particular perishable food product or products, the commissioner may, in accordance with the Administrative Procedure Act, waive the application of such rules as to such product or products.

History: *1973 c 686 s 3; 1985 c 248 s 70*

31.784 EXPIRATION OF QUALITY ASSURANCE DATE.

Nothing contained in sections 31.781 to 31.789 or any rule adopted pursuant hereto shall require the removal from sale of a perishable food product after the expiration of the quality assurance date on the product nor imply that after the expiration of the quality assurance date on the product, the product is not wholesome or safe for human consumption.

History: *1973 c 686 s 4; 1985 c 248 s 70*

31.785 REGULATIONS OF OTHER STATES AND THE FEDERAL GOVERNMENT.

If any other state, or the federal government, adopts an open dating statute or regulation which provides for information and enforcement equal to or greater than that of sections 31.781 to 31.789, the commissioner may, by rule, exempt any product from the provisions of sections 31.781 to 31.789 if it is in compliance with such other statute or regulation.

History: *1973 c 686 s 5; 1985 c 248 s 70*

31.786 LOCAL ORDINANCES PREEMPTED.

No subordinate unit of government may adopt or enforce any rule or ordinance regarding open dating of perishable foods other than sections 31.781 to 31.789.

History: *1973 c 686 s 6*

31.787 ENFORCEMENT.

In enforcing the provisions of sections 31.781 to 31.789, the commissioner may receive complaints and investigate possible violations. The commissioner and the commissioner's employees shall have reasonable access to all places wherein any item of perishable food regulated pursuant to sections 31.781 to 31.789 is sold or held or offered for sale, and may take samples of perishable food for analysis. The attorney general,

acting for the commissioner, or any municipal or county official responsible for the enforcement of rules or ordinances, may bring an action to restrain violations of sections 31.781 to 31.789.

History: *1973 c 686 s 7; 1986 c 444*

31.788 PENALTIES.

Any person injured by a violation of sections 31.781 to 31.789 may bring a civil action and recover damages, together with costs and disbursements.

History: *1973 c 686 s 8*

31.789 EXEMPTION.

Nothing in sections 31.781 to 31.789 shall apply to any sale exempt from a license by the Minnesota Constitution, article 13, section 7.

History: *1973 c 686 s 9; 1976 c 2 s 172*

BULK FOOD SALES

31.80 DEFINITIONS.

Subdivision 1. **Scope.** For the purposes of sections 31.80 to 31.875, the terms defined in this section have the meanings given them.

Subd. 2. **Bulk food.** "Bulk food" means unpackaged and unwrapped food in aggregate containers from which quantities are withdrawn by the consumer, excluding fresh fruits, fresh vegetables, nuts in the shell, and food in salad bars.

Subd. 3. **Product module.** "Product module" means a multiuse or single service food contact container designed for customer self-service of bulk food by either direct or indirect means.

History: *1984 c 476 s 1*

31.81 SCOPE.

Sections 31.80 to 31.875 apply to persons required to be licensed as retail food handlers under chapter 28A.

History: *1984 c 476 s 2*

31.82 LABELING.

Bulk food product modules must be conspicuously labeled with the common name of the product, a list of ingredients in order of predominance, and a declaration of artificial color or flavor and any chemical preservatives contained in the product. This section does not apply to bulk food manufactured on the premises or manufactured by the same person.

History: *1984 c 476 s 3*

31.83 PROTECTION.

Subdivision 1. **Containers and display.** Bulk food and product modules must be protected from contamination during display, customer self-service, refilling, and storage. Each product module must have

a tight-fitting lid that is kept in a closed position at all times except during stocking and customer service. Containers supplied by customers may not be used by others in a manner that contaminates bulk food. Take-home containers, including bags, cups, and lids, provided for customer use must be stored and dispensed in a sanitary manner. Pet food and nonfood items must be separated from product modules and bulk food.

Subd. 2. **Food sold as bulk food.** Food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacea, or other ingredients in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms may not be sold as bulk food. Clean, whole, uncracked, odor-free shell eggs and food that has a pH level of 4.6 or below or a water activity value of 0.85 or less at 25 degrees centigrade may be sold as bulk food. Bulk food removed from a product module by a consumer may not be offered for resale.

History: *1984 c 476 s 4*

31.84 DISPENSING.

Subdivision 1. **Dispensing devices.** Bulk food may be dispensed by: mechanical dispensing devices including gravity dispensers, pumps, extruders, and augers; or manual dispensing utensils including tongs, scoops, ladles, and spatulas.

Subd. 2. **Utensils.** A manual dispensing utensil must have a handle long enough to avoid consumer contact with the bulk food. When not in use, dispensing utensils must be stored either in the food with the handle extended out of the food, or in a protective enclosure attached or adjacent to the display unit with the utensil on a tether of easily cleanable material short enough to prevent contact with the floor.

History: *1984 c 476 s 5*

31.85 CONSTRUCTION; MATERIALS.

Subdivision 1. **Product modules and utensils.** Product modules and utensils must be metal or plastic and corrosion resistant, nonabsorbent, smooth, easily cleanable, and durable under conditions of normal use. They may not impart odors, color, taste, or contamination to the food. Product modules must be easily removable from the display unit for servicing unless they can be effectively cleaned and sanitized without removal by a procedure that will not contaminate bulk food or related equipment.

Subd. 2. **Noncontact surfaces.** Surfaces of product module display units, tethers, and all display equipment not intended for food contact, but exposed to food debris or other soiling, must be nonabsorbent, smooth, cleanable, durable under conditions of normal use, and free of unnecessary ledges, projections, and crevices. Tethers must be easily removable for cleaning. Racks that hold food containers must be constructed of material that is smooth, easily cleanable, and nonabsorbent. The materials for surfaces that do not come in contact with food must be nonabsorbent or made nonabsorbent by being finished and sealed with a cleanable coating.

History: *1984 c 476 s 6*

31.86 CLEANING FREQUENCY.

Except in municipalities with less than 1,000 inhabitants, or in towns, manual dispensing utensils and tethers must be cleaned and sanitized at least daily, or at more frequent intervals based on the type of food and the food particle accumulation or soiling. Manual dispensing utensils and tethers in retail stores in municipalities with less than 1,000 inhabitants, or in towns, shall be cleaned and sanitized at frequent intervals based on the types of food and the food particle accumulation or soiling. Product modules, lids, and other

equipment must be cleaned prior to restocking, when soiled, or at intervals on a schedule based on the type of food and amount of food particle accumulation. Food contact surfaces must be cleaned and sanitized immediately if contamination is observed or suspected.

History: *1984 c 476 s 7*

31.87 SIGN.

A sign must be posted conspicuously within the immediate display area directing customers for health reasons to use the utensils provided when serving themselves, not to handle the food directly, and not to consume food on the premises.

History: *1984 c 476 s 8*

31.874 DISEASE CONTROL.

If the commissioner of agriculture finds that a disease or foreign matter is actually transmitted by a method of dispensing bulk foods that is permitted by section 31.84, the commissioner may adopt rules more restrictive on the sale of that food than section 31.84. The rules must address the specific relationship between the disease or foreign matter being transmitted and the dispensing methods permitted by section 31.84.

History: *1984 c 476 s 9; 1984 c 640 s 32; 1997 c 7 art 5 s 4*

31.875 LOCAL STANDARDS.

A local unit of government may not adopt standards governing persons, facilities, or activities covered by sections 31.80 to 31.874 that conflict with the provisions in sections 31.80 to 31.874.

History: *1984 c 476 s 10*

CONSTRUCTION; PENALTIES

31.90 MS 1961 [Repealed, 1965 c 45 s 73]

31.903 EVIDENCE OF INTENT; ACT OF AGENT THAT OF PRINCIPAL.

No person who shall commit or assist in committing any offense defined in the laws relating to food administered by the Department of Agriculture, shall be exempt from conviction and punishment therefor for the reason that the person acted as the agent, employee, or representative of another. When construing and enforcing the provisions thereof, the act, omission, or failure of any officer, agent, or other person acting for or employed by any corporation, copartnership, company, society, or association within the scope of an employment or office, shall, in every case, be also deemed to be the act, omission, or failure of such corporation, copartnership, company, society, or association, as well as that of the person.

The having in possession of any article, the manufacture, sale, use or transportation of which is restricted, regulated, or forbidden thereunder shall be deemed prima facie evidence of intent to sell, manufacture, transport, or use the same in violation of laws.

History: *(3871) 1921 c 495 s 84; 1961 c 113 s 1; 1961 c 144 art 6 s 2; 1986 c 444*

31.905 MS 1961 [Repealed, 1965 c 45 s 73]

31.91 MS 2010 [Repealed, 2012 c 244 art 2 s 36]

ORGANIC FOOD

31.92 DEFINITIONS.

Subdivision 1. **Scope.** As used in sections 31.92 to 31.94, the terms defined in this section have the meanings given.

Subd. 1a. MS 1994 [Repealed, 1996 c 310 s 1]

Subd. 2. **Department.** "Department" means the Department of Agriculture.

Subd. 2a. MS 2002 [Repealed, 2003 c 107 s 33]

Subd. 2b. **Federal law.** "Federal law" means the Organic Foods Production Act of 1990, United States Code, title 7, sections 6501 et seq. and associated regulations in Code of Federal Regulations, title 7, section 205.

Subd. 3. **Organic.** "Organic" is a labeling term that refers to an agricultural product produced in accordance with federal law.

Subd. 3a. **Organic production.** "Organic production" means a production system that is managed in accordance with federal law to respond to site-specific conditions by integrating cultural, biological, and mechanical practices that foster cycling of resources, promote ecological balance, and conserve biodiversity.

Subd. 4. **Producer.** "Producer" means a person who is responsible for growing or raising organic food.

Subd. 5. MS 2002 [Repealed, 2003 c 107 s 33]

History: *1985 c 237 s 3; 1990 c 547 s 1,2; 2003 c 107 s 15-17*

31.925 UNIFORMITY WITH FEDERAL LAW.

The federal law specified in section 31.92, subdivision 2b, is adopted as the organic food production law and rules in this state.

History: *2003 c 107 s 18*

31.93 MS 2002 [Repealed, 2003 c 107 s 33]

31.94 ORGANIC AGRICULTURE; COMMISSIONER DUTIES.

(a) In order to promote opportunities for organic agriculture in Minnesota, the commissioner shall:

(1) survey producers and support services and organizations to determine information and research needs in the area of organic agriculture practices;

(2) work with the University of Minnesota and other research and education institutions to demonstrate the on-farm applicability of organic agriculture practices to conditions in this state;

(3) direct the programs of the department so as to work toward the promotion of organic agriculture in this state;

(4) inform agencies about state or federal programs that support organic agriculture practices; and

(5) work closely with producers, producer organizations, the University of Minnesota, and other appropriate agencies and organizations to identify opportunities and needs as well as ensure coordination

and avoid duplication of state agency efforts regarding research, teaching, marketing, and extension work relating to organic agriculture.

(b) By November 15 of each year that ends in a zero or a five, the commissioner, in conjunction with the task force created in paragraph (c), shall report on the status of organic agriculture in Minnesota to the legislative policy and finance committees and divisions with jurisdiction over agriculture. The report must include available data on organic acreage and production, available data on the sales or market performance of organic products, and recommendations regarding programs, policies, and research efforts that will benefit Minnesota's organic agriculture sector.

(c) A Minnesota Organic Advisory Task Force shall advise the commissioner and the University of Minnesota on policies and programs that will improve organic agriculture in Minnesota, including how available resources can most effectively be used for outreach, education, research, and technical assistance that meet the needs of the organic agriculture sector. The task force must consist of the following residents of the state:

(1) three organic farmers;

(2) one wholesaler or distributor of organic products;

(3) one representative of organic certification agencies;

(4) two organic processors;

(5) one representative from University of Minnesota Extension;

(6) one University of Minnesota faculty member;

(7) one representative from a nonprofit organization representing producers;

(8) two public members;

(9) one representative from the United States Department of Agriculture;

(10) one retailer of organic products; and

(11) one organic consumer representative.

The commissioner, in consultation with the director of the Minnesota Agricultural Experiment Station; the dean and director of University of Minnesota Extension and the dean of the College of Food, Agricultural and Natural Resource Sciences, shall appoint members to serve three-year terms.

Compensation and removal of members are governed by section 15.059, subdivision 6. The task force must meet at least twice each year and expires on June 30, 2034.

(d) For the purposes of expanding, improving, and developing production and marketing of the organic products of Minnesota agriculture, the commissioner may receive funds from state and federal sources and spend them, including through grants or contracts, to assist producers and processors to achieve certification, to conduct education or marketing activities, to enter into research and development partnerships, or to address production or marketing obstacles to the growth and well-being of the industry.

(e) The commissioner may facilitate the registration of state organic production and handling operations including those exempt from organic certification according to Code of Federal Regulations, title 7, section 205.101, and accredited certification agencies operating within the state.

History: *1985 c 237 s 5; 1990 c 547 s 3; 1995 c 233 art 2 s 56; 1999 c 231 s 56; 2003 c 107 s 19; 1Sp2005 c 1 art 1 s 61; 2009 c 94 art 1 s 79; 2012 c 244 art 1 s 33; 2013 c 114 art 2 s 43; 2016 c 184 s 6; 2019 c 38 s 16; 2024 c 126 art 2 s 54; 2024 c 127 art 38 s 54*

MANAGER CERTIFICATION

31.95 Subdivision 1. MS 2002 [Repealed, 2003 c 107 s 33]

Subd. 2. MS 1988 [Repealed by amendment, 1990 c 547 s 4; Repealed 2003 c 107 s 33]

Subd. 3. MS 2002 [Repealed, 2003 c 107 s 33]

Subd. 3a. MS 2002 [Repealed, 2003 c 107 s 33]

Subd. 4. MS 2002 [Repealed, 2003 c 107 s 33]

31.96 FOOD HANDLER CERTIFICATION.

The commissioner may require certification of retail food handlers in establishments licensed under section 28A.05, paragraph (a), for retail food preparation, handling, and service practices. A retail food handler licensed under section 28A.05, paragraph (a), shall comply with the requirements for the manager certification program under section 157.011, subdivision 2. An interagency agreement with the Department of Health must be established for the transfer of funds to the commissioner to cover the cost of administering the manager certification program.

History: *1997 c 161 s 1*

31.97 MS 2009 Supp [Expired]