28A.152 COTTAGE FOODS EXEMPTION.

Subdivision 1. **Licensing provisions applicability.** (a) Except as provided in paragraph (d), the licensing provisions of sections 28A.01 to 28A.16 do not apply to the following:

(1) a person who prepares and sells food that is not potentially hazardous food, as defined in Minnesota Rules, part 4626.0020, subpart 62, if the following requirements are met:

(i) the prepared food offered for sale under this clause is labeled to accurately reflect the name and the registration number or address of the person preparing and selling the food, the date on which the food was prepared, the ingredients and any possible allergens, and the statement "These products are homemade and not subject to state inspection."; and

(ii) the person displays at the point of sale a clearly legible sign or placard stating: "These products are homemade and not subject to state inspection."; and

(2) a person who prepares and sells home-processed and home-canned food products if the following requirements are met:

(i) the products are pickles, vegetables, or fruits having an equilibrium pH value of 4.6 or lower or a water activity value of .85 or less;

(ii) the products are home-processed and home-canned in Minnesota;

(iii) the person displays at the point of sale a clearly legible sign or placard stating: "These products are homemade and not subject to state inspection."; and

(iv) each container of the product sold or offered for sale under this clause is accurately labeled to provide the name and the registration number or address of the person who processed and canned the goods, the date on which the goods were processed and canned, ingredients and any possible allergens, and the statement "These products are homemade and not subject to state inspection."

(b) A person who qualifies for an exemption under paragraph (a), clause (2), is also exempt from the provisions of sections 31.31 and 31.392.

(c) To qualify for an exemption under paragraph (a), a person must be an individual, a sole proprietorship, a single-member limited liability company owned by one individual, or a limited liability company owned by two individuals residing at the same residence.

(d) A person cannot qualify for an exemption under paragraph (a) if the person holds a food handler license required under section 28A.04.

[See Note.]

Subd. 2. **Direct sales to consumers.** (a) A person qualifying for an exemption under subdivision 1 may sell the exempt food:

(1) directly to the ultimate consumer at a community event or farmers' market;

(2) directly from the person's home to the ultimate consumer, to the extent allowed by local ordinance; or

(3) through donation to a community event with the purpose of fundraising for an individual, or fundraising for an educational, charitable, or religious organization.

(b) An exempt food product may be delivered to the ultimate consumer upon sale of the food product by the person who prepared the food product, by mail, or by commercial delivery.

(c) Food products exempt under subdivision 1, paragraph (a), clause (2), may not be sold outside of Minnesota.

(d) Food products exempt under subdivision 1 may be sold over the Internet. The statement "These products are homemade and not subject to state inspection." must be displayed on the website that offers the exempt foods for purchase.

[See Note.]

Subd. 3. **Limitation on sales.** A person selling exempt foods under this section is limited to total sales with gross receipts of $78,000 or less in a calendar year.

[See Note.]

Subd. 4. **Registration.** A person who prepares and sells exempt food under subdivision 1 must register annually with the commissioner. The commissioner shall register a person within 30 days of submitting a complete registration to the commissioner. A registration shall be deemed accepted after 30 days following a person's complete registration to the commissioner. The annual registration fee is $30.

[See Note.]

Subd. 5. **Training.** A person who sells exempt food under this section and is required to pay the registration fee in subdivision 4 must complete a safe food handling training course that is approved by the commissioner before registering under subdivision 4. The training shall not exceed eight hours and must be completed every three years while the person is registered under subdivision 4.

[See Note.]

Subd. 6. **Local ordinances.** This section does not preempt the application of any business licensing requirement or sanitation, public health, or zoning ordinance of a political subdivision.

Subd. 7. **Account established.** A cottage foods account is created as a separate account in the agricultural fund in the state treasury for depositing money received by the commissioner under this section. Money in the account, including interest, is appropriated to the commissioner for purposes of this section.

Subd. 8. **Adjustments.** The commissioner must adjust the limitation on sales in subdivision 3 every two years to the inflation level established in the United States Bureau of Labor and Statistics Consumer Price Index, using July 2025 as the base month and year.

[See Note.]

History: *1Sp2015 c 4 art 2 s 53; 2017 c 88 art 2 s 53; 2021 c 28 s 7-10; 2025 c 34 art 5 s 14-19*

NOTE: The amendments to subdivisions 1 to 5 by Laws 2025, chapter 34, article 5, sections 14 to 18, are effective August 1, 2027. Laws 2025, chapter 34, article 5, sections 14 to 18, the effective dates.

NOTE: Subdivision 8, as added by Laws 2025, chapter 34, article 5, section 19, is effective August 1, 2027. Laws 2025, chapter 34, article 5, section 19, the effective date.