

1.1 moves to amend H.F. No. 433 as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 "Section 1. 28A.1515] MINNESOTA FOOD FREEDOM ACT.

1.4 Section 28A.152 may be cited as the "Minnesota Food Freedom Act."

1.5 Sec. 2. Minnesota Statutes 2020, section 28A.152, is amended to read:

1.6 **28A.152 COTTAGE FOODS EXEMPTION MARKETING HOMEMADE FOOD.**

1.7 Subdivision 1. ~~Licensing provisions applicability~~ Regulatory exemption. (a) The
1.8 ~~licensing provisions of sections 28A.01 to 28A.16 do not apply to the following:~~

1.9 ~~(1) an individual who prepares and sells food that is not potentially hazardous food, as~~
1.10 ~~defined in Minnesota Rules, part 4626.0020, subpart 62, if the following requirements are~~
1.11 ~~met:~~

1.12 ~~(i) the prepared food offered for sale under this clause is labeled to accurately reflect~~
1.13 ~~the name and address of the individual preparing and selling the food, the date on which~~
1.14 ~~the food was prepared, and the ingredients and any possible allergens; and~~

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

1.17 ~~(2) an individual who prepares and sells home-processed and home-canned food products~~
1.18 ~~if the following requirements are met:~~

1.19 ~~(i) the products are pickles, vegetables, or fruits having an equilibrium pH value of 4.6~~
1.20 ~~or lower;~~

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

2.1 ~~(iii) the individual displays at the point of sale a clearly legible sign or placard stating:~~
 2.2 ~~"These canned goods are homemade and not subject to state inspection.";~~ and

2.3 ~~(iv) each container of the product sold or offered for sale under this clause is accurately~~
 2.4 ~~labeled to provide the name and address of the individual who processed and canned the~~
 2.5 ~~goods, the date on which the goods were processed and canned, and ingredients and any~~
 2.6 ~~possible allergens.~~

2.7 ~~(b) An individual who qualifies for an exemption under paragraph (a), clause (2), is also~~
 2.8 ~~exempt from the provisions of sections 31.31 and 31.392.~~

2.9 (a) Notwithstanding other provisions in this chapter, chapters 31 and 34A, or other law,
 2.10 state and local food safety licensing, permitting, certification, inspection, packaging, and
 2.11 labeling requirements do not apply to a person who prepares and sells homemade food
 2.12 directly to an informed end consumer if the person satisfies the conditions for the exemption
 2.13 in subdivision 2.

2.14 (b) This section must not be construed to impede a food borne illness investigation by
 2.15 the commissioner or the commissioner of health.

2.16 Subd. 1a. **Definitions.** (a) For purposes of this section, the following terms have the
 2.17 meanings given.

2.18 (b) "Homemade food" means food prepared at a private residence.

2.19 (c) "Informed end consumer" means a person that purchases a homemade food product
 2.20 if the person has been informed that the product and its producer are not subject to food
 2.21 safety licensing or inspections.

2.22 (d) "Not potentially hazardous" means food that does not require time or temperature
 2.23 control for safety to limit pathogenic microorganism growth or toxin formation, including
 2.24 food with an equilibrium pH value of 4.6 or lower or a water activity value of .85 or less.

2.25 (e) "Potentially hazardous" means food that requires time or temperature control for
 2.26 safety to limit pathogenic microorganism growth or toxin formation.

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

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

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

3.1 (1) not potentially hazardous homemade food if the food is (i) sold to an informed end
 3.2 consumer by the producer, whether in person or remotely, including by telephone or Internet,
 3.3 or by an agent of the producer or a third-party vendor, including a retail shop or grocery
 3.4 store, and (ii) delivered to the informed end consumer by the producer, the agent of the
 3.5 producer, or by the third-party vendor; and

3.6 (2) potentially hazardous homemade food if the food is sold by the producer to the
 3.7 informed end consumer in person or remotely and delivered by the producer who prepared
 3.8 the food directly and in person to the informed end consumer.

3.9 ~~(3) through donation~~ (b) A producer may donate homemade food to a community event
 3.10 with the purpose of fund-raising for ~~an individual~~ a person, or fund-raising for an educational,
 3.11 charitable, or religious organization.

3.12 ~~(b) If an exempt food product will be delivered to the ultimate consumer upon sale of~~
 3.13 ~~the food product, the individual who prepared the food product must be the person who~~
 3.14 ~~delivers the food product to the ultimate consumer.~~

3.15 (c) Homemade food products exempt under subdivision 1, paragraph (a), clause (2), this
 3.16 section may not be sold outside of Minnesota as allowed by federal law if the producer
 3.17 complies with all applicable federal laws.

3.18 ~~(d) food products exempt under subdivision 1 may be sold over the Internet but must~~
 3.19 ~~be delivered directly to the ultimate consumer by the individual who prepared the food~~
 3.20 ~~product. The statement "These products are homemade and not subject to state inspection."~~
 3.21 ~~must be displayed on the website that offers the exempt foods for purchase.~~

3.22 (d) Homemade food exempt under this section must be labeled to include the following
 3.23 information:

3.24 (1) the name and address of the producer of the homemade food;

3.25 (2) the common or usual name of the homemade food;

3.26 (3) the ingredients of the homemade food in descending order of predominance; and

3.27 (4) the following statement: "This product was produced at a private residence that is
 3.28 exempt from state licensing and inspection. This product may contain allergens."

3.29 (e) The information required by paragraph (d) must be provided:

3.30 (1) on a label affixed to the package if the homemade food is packaged;

3.31 (2) on a label affixed to the container if the homemade food is offered for sale from a
 3.32 bulk container;

4.1 (3) on a placard displayed at the point of sale if the homemade food is neither packaged
 4.2 nor offered for sale from a bulk container; or

4.3 (4) on the webpage on which the homemade food is offered for sale if the homemade
 4.4 food is offered for sale on the Internet.

4.5 Subd. 3. **Limitation on sales.** ~~An individual selling exempt foods under this section is~~
 4.6 ~~limited to total sales with gross receipts of \$18,000 or less in a calendar year. Transactions~~
 4.7 ~~under this section must not involve the sale of meat products except:~~

4.8 (1) live animals intended for slaughter; or

4.9 (2) portions of animals sold for future delivery if the animals are processed by the
 4.10 informed end user or a processor licensed by the commissioner or the United States
 4.11 Department of Agriculture.

4.12 Subd. 4. **Registration not required.** ~~An individual~~ The commissioner must not require
 4.13 a person who prepares and sells exempt homemade food under subdivision 1 must register
 4.14 ~~annually with the commissioner. The annual registration fee is \$50. An individual with~~
 4.15 ~~\$5,000 or less in annual gross receipts from the sale of exempt food under this section is~~
 4.16 ~~not required to pay the registration fee.~~

4.17 Subd. 5. **Training not required.** ~~(a) An individual with gross receipts between \$5,000~~
 4.18 ~~and \$18,000 in a calendar year from the sale of exempt food under this section must~~ The
 4.19 commissioner may provide but must not require a person to complete a safe food handling
 4.20 training course that is approved by the commissioner before registering under subdivision
 4.21 4. The training shall not exceed eight hours and must be completed every three years while
 4.22 the individual is registered under subdivision 4.

4.23 ~~(b) An individual with gross receipts of less than \$5,000 in a calendar year from the sale~~
 4.24 ~~of exempt food under this section must satisfactorily complete an online course and exam~~
 4.25 ~~as approved by the commissioner before registering under subdivision 4. The commissioner~~
 4.26 ~~shall offer the online course and exam under this paragraph subdivision at no cost to the~~
 4.27 ~~individual a person. This section does not preclude the commissioner from providing~~
 4.28 assistance or consultation to a person that prepares and sells homemade food.

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

5.1 (b) This section preempts the application of any food safety licensing, permitting,
 5.2 certification, inspection, packaging, or labeling ordinance of a political subdivision to a
 5.3 person selling homemade food under this section.

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

5.8 Amend the title accordingly