

# House Research Act Summary

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## Overview

This omnibus agriculture policy act modifies a number of agriculture, bioenergy, and food safety laws. The Minnesota Department of Agriculture (MDA) requested most of the provisions. This act affects MDA's legislative reporting responsibilities; grain buyers; firewood distributors; local governments collecting waste pesticides; food purveyors including grocery stores, bakeries, convenience stores, meat or poultry processors, egg handlers, and food product manufacturers; agricultural pesticide dealers; nursery stock growers and retailers; and others.

The act also establishes a new Dairy Research, Teaching, and Consumer Education Authority to identify and acquire a site for a new dairy education facility.

## Article 1: Agriculture Policy

### Overview

This article changes various aspects of agriculture and bioenergy policy. All food safety provisions are in article 2. This article creates a new Dairy Research, Teaching, and Consumer Education Authority.

- 1 State soil.** Designates Lester as the official soil of Minnesota.
- 2 Duties.** Eliminates an existing MDA duty to report information and policy recommendations to the legislature each biennium concerning sustainable agriculture, economic conditions of agricultural producers, the status of soil and water resources utilized by agricultural producers, the magnitude of off-farm inputs used, and the amount of nonrenewable resources used by Minnesota farmers.
- 3 Integrated pest management.** Eliminates an existing MDA duty to provide an integrated pest management report to the legislature each biennium, in conjunction with the report eliminated in section 2 above.

- 4 Disposal site requirement.** Allows MDA to provide an opportunity for pesticide users to dispose of nonagricultural waste pesticide in one location - rather than in each individual county - for a group of counties participating in a joint powers agreement or a contract for household hazardous waste disposal.
- 5 Indemnification.** Provides that county employees collecting waste pesticides according to the terms of a cooperative agreement with MDA are granted the same legal liability protections as state workers once the county turns the waste over to the state's authorized hauler and while the hauler transports the waste between county facilities. The state would be obligated to defend or indemnify the county for the amount of a legal claim that exceeds the county's liability insurance coverage.
- 6 Agricultural pesticide sales invoices.** Provides a one-year exemption from the requirement that pesticide dealers itemize the state gross sales fee on a sales invoice if the dealer can demonstrate to MDA that this requirement is an extreme business hardship. If MDA grants an exemption, the dealer must instead place a general statement on the invoice stating that the dealer assessed the fee on the sale.
- 7 Infested.** Modifies the definition of "infested" for the purposes of MDA's invasive species and export certification activities.
- 8 Creation of registry.** Modifies MDA's Tree Care and Tree Trimming Company Registry to require registration by commercial tree companies and other businesses that direct their employees to trim trees (e.g., electrical utilities). Each individual employee would not be required to register.
- 9 Supplemental, additional, or other certificates or permits.** Allows MDA to inspect, sample, or certify a plant treatment process for compliance with the import requirements of other states or countries.
- 10 Misuse of a certificate or permit.** Prohibits altering, counterfeiting, obtaining, or improperly using a plant certificate or permit. Prohibits transferring an MDA-issued plant certificate or permit to another location or person.
- 11 Infested.** Modifies the definition of "infested" (plant) for the purposes of MDA's regulation of nursery stock growers and retailers.
- 12 Nonhardy.** Defines the term "nonhardy" for the purposes of MDA's regulation of nursery stock growers and retailers.
- 13 Storage of nursery stock.** Requires a person who sells balled and burlapped nursery stock to keep the stock in an MDA-approved material. The material must cover and protect the ball of earth and must be moist at all times.
- 14 Labeling and advertising of nursery stock.** Requires all nonhardy nursery stock to be labeled as such. Requires a person who collects nursery stock from the wild to have the wild stock inspected by MDA. The person also must label the stock accordingly. If the person grows the wild stock for two years in a nursery, the label is not required.
- 15 to 28 Inspection and enforcement -- Wholesale Produce Dealer, Grain Buyer, Grain Storage, and Warehouse laws.** These sections extend MDA's suite of nursery and plant inspection and enforcement powers to include the department's Wholesale Produce Dealer, Grain Buyer, Grain Storage, and Warehouse oversight responsibilities. MDA employees could enter sites, inspect and sample products, issue commissioner's orders, and pursue administrative, civil, and criminal penalties for failure to follow the Wholesale Produce Dealer, Grain Buyer, Grain Storage, or Warehouse laws. MDA employees could inspect and sample grain, household goods, general merchandise, and produce.

- 29 Vegetable seeds.** Allows a person who prepares vegetable seeds for use in home gardens to state on the label the number of seeds in the container or the net weight of the seeds, regardless of the number of seeds in the container.
- 30 Flower seeds.** Allows a person who prepares flower and wildflower seeds for use in home gardens to state on the label the number of seeds in the container or the net weight of the seeds, regardless of the number of seeds in the container.
- 31 Distribute.** Exempts feed produced and used by a commercial feed distributor from MDA's annual fertilizer inspection fee.
- Effective date: This section is effective retroactive to January 1, 2012, and applies to fertilizer inspection fees collected by MDA for calendar year 2012 and beyond.
- 32 Analysis; evidence.** Technical changes to the terminology used to describe the food safety duties of MDA's laboratory personnel.
- 33 Commissioner duties.** Modifies MDA's duty to report to the legislature on the status of organic agriculture. MDA would no longer submit the report biennially; instead MDA would report every five years. Changes language that specifies the contents of MDA's organic agriculture report.
- 34 Organization.** Sections 34 to 39 establish a new Dairy Research, Teaching, and Consumer Education Authority as a public corporation. Specifies which entities must be represented on the board of directors. Requires the board to meet at least four times a year; all board meetings are subject to the state's open meeting law. Establishes a conflict of interest policy and requires directors and officers to file statements of economic interest with the Campaign Finance and Disclosure Board.
- 35 Powers.** Endows the authority with many of the powers granted to private corporations, except the powers to locate in another state, issue and trade securities, make loans, issue advances to directors and employees, and operate under an assumed name. Authorizes the authority to work with a Minnesota nonprofit corporation to design, develop, and operate a dairy research, teaching, and consumer education facility. The site for the facility must accommodate specified facilities and activities, including a milking parlor and classroom space. Allows the authority to accept contributions to support the facility.
- 36 Employees.** Authorizes the authority to hire employees. A person employed by a contractor or lessee is not a state employee and may not participate in state employee benefit programs. However, neither a University of Minnesota or Minnesota State Colleges and Universities system employee or faculty member nor a state employee would not lose their employment status solely because they work at the dairy research, teaching, and consumer education facility.
- 37 Accounts; audits.** Authorizes the authority to establish necessary funds and accounts. Requires the authority to pay for an annual financial audit by the state auditor.
- 38 Annual report.** Requires the authority to report annually to the legislative agriculture committees.
- 39 Expiration.** States that sections 34 - 39 authorizing the new dairy authority will expire on August 1, 2017, if the authority has not identified and acquired a site for a new facility.
- 40 Quarantine zones.** Modifies existing limits on Board of Animal Health (BAH) quarantine zones. States that a requirement that zones be as small as possible applies only to quarantine zones that restrict livestock movement. Eliminates a three-mile-radius limit on zone size.
- 41 Restrictions on movement out of quarantine zones.** Allows BAH to issue orders restricting the movement of persons, machinery, and other personal property off of a specific quarantined premises, rather than out of a larger quarantine zone.

- 42 Report.** Modifies mandatory MDA reporting to the legislature about the Agricultural Land Preservation Program. MDA would report biennially, instead of annually and would deliver the report in March instead of January.
- 43 Activities authorized.** Provides that cost-share grants for the installation of biofuel blender pumps are an eligible use of money appropriated to MDA for the Agricultural Growth, Research, and Innovation Program.
- 44 Sunset.** Extends the sunset date for the Agricultural Growth, Research, and Innovation Program by two years to June 30, 2015.
- 45 General powers of the authority.** Grants the Rural Finance Authority (RFA) the general authority to accept gifts of money or personal property to support RFA's activities.
- 46 Loans.** Modifies the RFA's Agroforestry Loan Program by eliminating the program's dedicated revolving loan fund and adding the Agroforestry program to the list of RFA programs that use RFA's general revolving loan account.
- 47 Establishment.** Modifies the name of the Livestock Equipment Pilot Loan Program by eliminating the word "Pilot."
- 48 Pilot agricultural microloan program.** Creates the new program in law, defines key terms, and establishes program elements.

**Subd. 1. Establishment.** Requires RFA to establish and implement the program. Authorizes RFA to contract with an intermediary to provide an efficient program delivery system.

**Subd. 2. Definitions.** Defines key terms - "intermediary," "specialty crops," and "eligible livestock."

**Subd. 3. Eligibility.** Establishes borrower eligibility standards. A borrower must:

- be a legal Minnesota resident;
- be or plan to become a grower of specialty crops or eligible livestock;
- market - or contract to market - the specialty crops or eligible livestock;
- demonstrate the ability to repay the loan; and
- be a member of one or more of the following statutory groups:
  - ▶ "Protected group" means females, persons with disabilities, and members of the following minorities: Black, Hispanic, Asian or Pacific Islander, American Indian or Alaskan native.
  - ▶ "Qualified noncitizen" means a noncitizen whose immigration status qualifies the person for Medical Assistance. (However, the borrower need not be participating in Medical Assistance.) In particular, a qualified noncitizen has the following immigration status:
    - (1) admitted for lawful permanent residence according to United States Code, title 8;
    - (2) admitted to the United States as a refugee according to United States Code, title 8, section 1157;

- (3) granted asylum according to United States Code, title 8, section 1158;
- (4) granted withholding of deportation according to United States Code, title 8, section 1253(h);
- (5) paroled for a period of at least one year according to United States Code, title 8, section 1182(d)(5);
- (6) granted conditional entrant status according to United States Code, title 8, section 1153(a)(7);
- (7) determined to be a battered noncitizen by the United States Attorney General according to the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, title V of the Omnibus Consolidated Appropriations Bill, Public Law 104-200;
- (8) is a child of a noncitizen determined to be a battered noncitizen by the United States Attorney General according to the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, title V, of the Omnibus Consolidated Appropriations Bill, Public Law 104-200; or
- (9) determined to be a Cuban or Haitian entrant as defined in section 501(e) of Public Law 96-422, the Refugee Education Assistance Act of 1980.

**Subd. 4. Loans.** Sets the terms of the microloans. Limits loan principal to \$10,000/loan. Prohibits refinancing existing debt. Limits the loan disbursement period to a maximum of six years. Requires the borrower to execute a personal note as security for the loan, plus any other security required by RFA or an intermediary. Authorizes RFA to set the interest rate. Funds the program via the RFA's existing revolving loan account.

- 49 Rural finance authority revolving loan account.** Adds the Agroforestry and Pilot Agricultural Microloan programs to the list of RFA programs that use RFA's general revolving loan account.
- 50 Treatment of secured or guaranteed loans.** States that loans secured or otherwise backed by MDA are not subject to statutory limits on the total liabilities of a participating bank.
- 51 Public grain warehouse operator.** Expands the definition of "public grain warehouse operator" to include operators of certain feed processing plants for the purposes of MDA's grain buyer licensing and bonding requirements.
- 52 Licenses.** Eliminates existing grain buyer license categories and MDA's authority to maintain information on grain buyers by category.
- 53 Bond.** Requires MDA to base a licensed grain buyer's bond amount on a gross annual grain purchase report submitted by the buyer instead of the buyer's most recent financial statement. Bonds must be continuous until cancelled with 90 days written notice by the surety company to the licensee and MDA.
- 54 Financial statements.** Eliminates a provision requiring MDA to obtain an annual financial statement from a licensed grain buyer. Instead, MDA would have the option to require a financial statement.
- 55 Defaults; violations.** Eliminates detailed enforcement and appeal procedures for grain buyer license violations and replaces them with a general statement that it is a violation of the law if MDA finds-after investigation-that a complaint is valid or the person has violated the law.
- 56 Bond.** Removes a reference to "grain bank operator" from the grain storage law's definition of

"bond." The repealer section of this article would eliminate chapter 236, Grain Banks.

- 57 Depositor.** Removes a reference to "grain bank" from the grain storage law's definition of "depositor." The repealer section of this article would eliminate chapter 236, Grain Banks.
- 58 Public grain warehouse operator.** Expands the definition of "public grain warehouse operator" to include operators of certain feed processing plants for the purposes of MDA's grain storage licensing and bonding requirements.
- 59 Fees; grain buyers and storage account.** Renames a grain storage inspection as an "examination."
- 60 Bonding.** Modifies the procedure for determining the size of the bond that a public grain warehouse operator must file with MDA. Bond size would be based on annual average storage liability for a grain warehouse.
- 61 Statement of grain in storage; reports.** Relaxes reporting requirements for public grain warehouse operators from monthly reports to annual reports. If an operator has already reached the maximum bond level, the operator need not file the annual report.
- 62 Bond disbursement.** Eliminates language specifying the terms of "condition one" and "condition two" bonds formerly required of public grain warehouse operators.
- 63 Scale tickets.** Specifies additional items that must be on a scale ticket issued by a licensed grain warehouse operator.
- 64 Void agreements; penalty.** Eliminates a reference to a law that prescribes penalties for violations of the Grain Storage Act. That penalty law would be eliminated in the repealer section below.
- 65 Delivery of grain.** Requires disputes between grain owners and warehouse operators to be resolved by sending a grain sample to a grain inspector authorized by the United States Department of Agriculture instead of MDA.
- 66 Schedule of examination.** Replaces the terms "inspection" and "audit" in this section of the Grain Storage Act with the term "examination."
- 67 Financial reports.** States that a licensed grain storage facility must give MDA an audited financial report only when MDA requests a copy.
- 68 Sale from bulk.** Expands an existing labeling requirement so that all bulk firewood sold or distributed in the state would include delivery ticket information regarding the harvest location by county, counties, or state.
- 69 Information required with package.** Expands an existing labeling requirement so that all packaged firewood sold or distributed in the state would include label information regarding the harvest location by county, counties, or state.
- 70 Exceptions.** Extends by three years the expiring biodiesel mandate waivers for number 1 diesel during cold-weather months and certain industries. Adds United States Coast Guard vessels and certain vessels subject to inspection by the Coast Guard to the existing list of entities that are not required to use biodiesel/that can use regular diesel fuel.
- Effective date: This section is effective the day following final enactment.
- 71 Annual report.** Requires MDA to consult with the commissioner of commerce and the state Biodiesel Task Force and report to the legislature regarding whether to continue the biodiesel mandate exceptions extended in section 70 beyond 2015.

- 72**      **Minimum ethanol content required.** Extends the effective and expiration dates for an expiring law designed to eventually require nearly all gasoline sold in the state to be comprised of 80 percent gasoline and 20 percent ethanol. Currently, most gasoline sold in Minnesota is 90 percent gasoline and 10 percent ethanol, also known as "E10."
- 73**      **Seized animals.** Requires that a facility that accepts stray animals seized by a public authority must hold the animal for redemption by owner for at least five business days and requires the facility to keep records on each animal in its custody for at least six months. Prohibits releasing an unclaimed animal for research or product testing.
- 74**      **Reclaimed.** Removes a reference to the educational or scientific disposition of unclaimed animals. The referenced law is eliminated in the repealer section below.
- 75**      **Subsequent offenses; seizure.** Removes a reference to the educational or scientific disposition of unclaimed animals. The referenced law is eliminated in the repealer section below.
- 76**      **Effective date.** Extends by five years the effective date of a 2008 law that would eliminate the statutory seven-year limit on the duration of an idle wind energy easement or wind rights lease. When the law takes effect in 2017, most wind easements and leases would be perpetual, regardless of whether the commercial wind energy project commences within the first seven years of the easement or lease.
- 77**      **Agriculture.** Expands eligibility for a 2010 Southern Minnesota disaster recovery appropriation to include farmers and their families located in any rural disaster area in the state, as declared by FEMA or USDA, from the date of original enactment.
- Effective date: This section is effective retroactive to the original date of enactment of the 2010 Southern Minnesota flood relief act.
- 78**      **Effective date.** Provides that a law passed during the 2011 regular session and signed by the governor on April 15, 2011, became effective the next day. The law allows the burial of certain concrete and rebar materials on farmland.
- 79**      **Steele County; CIP bonding authority.** Authorizes Steele County to include up to \$650,000 for county fair buildings in its capital improvement plan (CIP).
- Effective date: Because this is a "special" law pertaining to only one jurisdiction, this section takes effect only after the county board adopts an approving resolution and files notice with the Secretary of State.
- 80**      **Wadena County; CIP bonding authority.** Authorizes Wadena County to include up to \$1,000,000 for county fair buildings in its capital improvement plan.
- Effective date: Because this is a "special" law pertaining to only one jurisdiction, this section takes effect only after the county board adopts an approving resolution and files notice with the Secretary of State.
- 81**      **Next generation biofuel blends.** Requires the NextGen Energy Board to include in its 2013 legislative report an examination of next generation biofuels and whether the state's biodiesel and ethanol mandates should be modified to reflect the current renewable fuel landscape.
- 82**      **Balance transfer.** Transfers any balance in the Agroforestry Loan Program revolving fund to RFA's general revolving loan account. Abolishes the Agroforestry revolving fund.
- 83**      **Repealer.** Repeals laws that do the following:
- Provide for MDA regulation and oversight of grain inspection, weighing, sampling, and

analysis (all sections of ch. 17B).

- Define "contract feeder" for the purposes of MDA's commercial feed industry oversight (§ 25.33).
- Provide enforcement procedures and civil and criminal penalties for Wholesale Produce Dealers Act violations (§§ 27.19 and 27.20).
- Require BAH to issue rules to control brucellosis in cattle (§ 35.243) and pseudorabies in swine (§ 35.255).
- Require animal shelters to release unclaimed animals to BAH-licensed institutions for scientific or educational purposes (§ 35.71).
- Provide BAH authority to enter an establishment to sample milk or cream (§ 35.72).
- Establish a dedicated revolving loan fund for the Agroforestry Loan Program (§ 41B.048).
- Define "independent grain buyer" (§ 223.16) and provide penalties for Grain Buyer Act violations (§ 223.18).
- Define "condition one bond" (§ 232.21), provide enforcement procedures and penalties for violations of the Grain Storage Act (§ 232.25), and require MDA to sample, inspect, and grade grain at grain warehouses in order to certify that the warehouse meets certain standards (§ 232.24).
- Govern MDA regulation and oversight of Public Terminal (Grain) Warehouses (all sections of chapter 233); Grain Storage on Farms (all sections of chapter 234); Grain, General Provisions (all sections of chapter 235); and Grain Banks (all sections of chapter 236).
- Authorize counties to issue emergency seed and feed loans to farmers on certain specified terms (all sections of chapter 395).
- Constitute MDA-issued rules for the following areas:
  - § Regulation of wild nursery stock (part 1505.0780) and balled and burlapped nursery stock (part 1505.0810).
  - § Grain Standards Testing (all sections of chapter 1511)
  - § Regulating, bonding, and licensing of grain buyers and grain storers (parts 1562.0100 (most subparts), 1562.0200, 1562.0400, 1562.0700, 1562.0900, 1562.1300, and 1562.1800).

## **Article 2: Food Law Enforcement**

### **Overview**

This article modifies food safety laws administered by MDA. These sections consolidate existing food safety definitions and enforcement provisions into a new chapter 34A and grant MDA the authority to issue civil penalties for food safety violations. The expiration date for an existing food safety task force is extended.

- 1 Criminal penalties.** Modifies MDA's general criminal penalty powers to remove references to violations of the following chapters of law - 28A (Licensing Food Handlers), 29 (Poultry; Eggs), 31 (Food), 31A (Meat and Poultry Inspection), and 34 (Nonalcoholic Beverages). Criminal penalties for

these chapters would be housed in a new chapter 34A proposed in this article. The remaining laws covered under this section are in chapters 25 (Commercial Feed) and 31B (Packers and Stockyards).

- 2        **Administrative penalties and enforcement.** Similar to section 1, this section modifies MDA's general administrative penalty and enforcement powers to remove references to violations of the following chapters of law - 28A (Licensing Food Handlers), 29 (Poultry; Eggs), 31 (Food), 31A (Meat and Poultry Inspection), and 34 (Nonalcoholic Beverages). Administrative penalties and enforcement authority for these chapters would be housed in a new chapter 34A proposed in this article. The remaining laws covered under this section are in chapters 25 (Commercial Feed), 31B (Packers and Stockyards), and 32 (Dairy Products). Eliminates an existing provision that requires MDA to abide by the decision of an Administrative Law Judge resulting from a contested case hearing.
- 3        **Authority.** Similar to sections 1 and 2, this section modifies MDA's general authority to enforce food safety laws by removing references to violations of the following chapters of law - 29 (Poultry; Eggs), 31 (Food), 31A (Meat and Poultry Inspection), and 34 (Nonalcoholic Beverages). Enforcement authority for these chapters would be housed in a new chapter 34A proposed in this article. The remaining laws covered under this section of law are in chapter 32 (Dairy Products).
- 4        **Person.** Synchronizes the definition of "person" in chapter 28A (Licensing Food Handlers) with the definition in a new chapter 34A proposed in this article.
- 5        **Food.** Synchronizes the definitions of "food," "nonperishable food," "frozen food," "perishable food," and "readily perishable food" in chapter 28A (Licensing Food Handlers) with the definitions in a new chapter 34A proposed in this article.
- 6        **Sell; sale.** Synchronizes the definitions of "sell" and "sale" in chapter 28A (Licensing Food Handlers) with the definitions in a new chapter 34A proposed in this article.
- 7        **Expiration.** Extends the expiration date for the Food Safety and Defense Task Force established in 2007 by five years, from June 30, 2012 to June 30, 2017.
- 8        **Person.** Synchronizes the definition of "person" in chapter 31 (Food) with the definition in a new chapter 34A proposed in this article.
- 9        **Food.** Synchronizes the definition of "food" in chapter 31 (Food) with the definition in a new chapter 34A proposed in this article.
- 10       **Sell and sale.** Synchronizes the definitions of "sell" and "sale" in chapter 31 (Food) with the definitions in a new chapter 34A proposed in this article.
- 11       **Label.** Synchronizes the definition of "label" in chapter 31 (Food) with the definition in a new chapter 34A proposed in this article.
- 12       **Labeling.** Synchronizes the definition of "labeling" in chapter 31 (Food) with the definition in a new chapter 34A proposed in this article.
- 13       **Pesticide.** Synchronizes the definition of "pesticide" in chapter 31 (Food) with the existing definition in chapter 18B (Pesticide Control).
- 14       **Food adulteration.** Synchronizes the definition of "adulterated" food in chapter 31 (Food) with the definition in a new chapter 34A proposed in this article.
- 15       **Food misbranding.** Synchronizes the definition of "misbranded" food in chapter 31 (Food) with the definition in a new chapter 34A proposed in this article.
- 16       **Adulterated.** Synchronizes the definition of "adulterated" food in chapter 31A (Meat and Poultry

- Inspection) with the definition in a new chapter 34A proposed in this article.
- 17 Misbranded.** Synchronizes the definition of "misbranded" food in chapter 31A (Meat and Poultry Inspection) with the definition in a new chapter 34A proposed in this article.
- 18 Label.** Synchronizes the definition of "label" in chapter 31A (Meat and Poultry Inspection) with the definition in a new chapter 34A proposed in this article.
- 19 Labeling.** Synchronizes the definition of "labeling" in chapter 31A (Meat and Poultry Inspection) with the definition in a new chapter 34A proposed in this article.
- 20 Detention of animals or products.** Aligns a section on MDA's authority to seize or detain a food animal/carcass, meat or a meat product that is adulterated/misbranded/uninspected with similar seizure authority provided in a new chapter 34A proposed in this article.
- 21 Adulterated.** Synchronizes the definition of "adulterated" food in chapter 32 (Dairy Products) with the definition in a new chapter 34A proposed in this article.
- 22 Misbranded.** Synchronizes the definitions of "misbranding" and "misbranded" in chapter 32 (Dairy Products) with the definition in a new chapter 34A proposed in this article.
- 23 Definitions.** Sections 23 to 35 propose a new chapter of state food safety law. The new chapter would include centralized food safety definitions and procedures to which other MDA food chapters would point. This section contains many definitions that establish the scope of MDA's food oversight duties. In addition, existing definitions from the following chapters would apply to this new chapter 34A: 28 (Cold Storage), 28A (Licensing Food Handlers), 29 (Poultry, Eggs), 30 (Potatoes, Wild Rice, Apples), 31 (Food), 31A (Meat and Poultry Inspections), 32 (Dairy Products), and 34 (Nonalcoholic Beverages).
- 24 Exclusions.** Exempts listed items from the definitions of perishable food, readily perishable food, and frozen food.
- 25 Adulteration.** Defines adulterated-or prohibited/unsafe-food for the purposes of state food safety laws.
- 26 Misbranding.** Defines misbranded-or prohibited-food for the purposes of state food safety laws.
- 27 Enforcement.** Provides MDA centralized powers to enforce several named food safety chapters. MDA could: inspect food premises, require information, review and copy relevant papers, take depositions, administer oaths, issue subpoenas, require law enforcement officers to take enforcement actions related to alleged food safety violations, waive penalties for minor violations if in the public interest, etc.
- 28 False statement or record.** Prohibits making a false statement or providing false records to MDA's food safety personnel.
- 29 Administrative actions.** Authorizes MDA to enforce food safety laws through specified administrative actions such as warnings, cease and desist orders, forced sales, seizure, administrative penalty, etc. Authorizes MDA to revoke, suspend, or refuse to issue food safety licenses if a person violates or has violated this new chapter within the last three years. Allows a person to appeal MDA administrative actions in a contested case hearing via the state Office of Administrative Hearings.
- 30 Administrative penalties.** Authorizes MDA to assess administrative penalties commensurate with the severity of the food safety violation and other named factors. Caps administrative penalties at \$1,500/day for each violation. Requires MDA to notify a person that they have 20 days to appeal the penalty. Authorizes MDA to commence a civil action for double the penalty plus attorney's fees if the

person does not pay the fine within 30 days after MDA issues a final penalty order.

- 31 Appeal of administrative action or penalty.** Specifies how a person may exercise their right to appeal an MDA food safety administrative action or penalty.
- 32 Civil penalties.** States that a person who violates this new food safety chapter or an action taken by MDA pursuant to this chapter or impedes, hinders, or otherwise prevents MDA's performance of duty is subject to a civil penalty of up to \$7,500 per day of violation as determined by the court. Authorizes a county attorney or the state Attorney General to bring a civil action against a person on behalf of MDA.
- 33 Criminal penalties.** Provides that violations of food safety laws are a misdemeanor or gross misdemeanor crime, depending upon the nature of the violation, as specified in this section.
- 34 Embargo, seizure, and condemnation.** Authorizes MDA to tag any food, animal, or consumer commodity that MDA believes is being distributed in violation of this new chapter or any rules issued pursuant to the chapter. Authorizes MDA to seize a carcass, meat or meat product, or infirm animal transported in intrastate commerce or held for sale in this state after transportation in intrastate commerce. Authorizes MDA to petition a district court for an order and decree for the condemnation of an animal or food tagged by MDA. Requires MDA to condemn or destroy any perishable food that is filthy, decomposed, putrid, poisonous, etc. and prohibits a resulting lawsuit against MDA. Authorizes MDA to embargo a geographic area in response to a national security or peacetime emergency declared by the governor.
- 35 Powers of the commissioner.** Allows MDA, in performance of its food safety duties, to gather information and examine documents for evidence. Establishes a misdemeanor crime for neglecting or refusing to answer a lawful inquiry or produce documentary evidence to MDA if it is in the person's power to do so.
- 36 Repealer.** Repeals laws that do the following:
- Provide criminal penalties for violations of the state's cold storage laws (§ 28.15).
  - Provide criminal penalties and MDA enforcement authority pertaining to MDA's food handler licensing duties (§§ 28A.12 and 28A.13).
  - Provide criminal penalties for violations of the state's poultry and egg laws (§ 29.28).
  - Provide penalties and MDA enforcement authority pertaining to the state's general food laws (§§31.031; 31.041; 31.05; 31.14; 31.393; 31.58; 31.592; 31.621, subdivision 5; 31.631, subdivision 4; 31.633, subdivision 2; 31.681; 31.74, subdivision 3; and 31.91).
  - Provide penalties and MDA enforcement authority pertaining to the state's meat and poultry inspection laws (§§ 31A.24 and 31A.26).
  - Provide penalties for violations of the state's nonalcoholic beverages laws (§ 34.113)
  - Constitute MDA-issued rules for the following areas:
    - § The definition of "person" for the purposes of MDA's meat inspection regulations (1540.0010, subpart 26).
    - § The definitions of "food," "frozen food," "perishable food," "readily perishable food," and exempt products related to MDA's food delivery company regulations (1550.0930, subparts 3, 4, 5, 6, and 7).
    - § The definitions of "label," "labeling," "perishable food," and "person" related to MDA's

food quality assurance dating regulations (1550.1040, subparts 3, 4, 5, and 6).

§ The definitions of "misbranded or misbranding" and "perishable, readily perishable food" related to MDA's bakery regulations (1550.1260, subparts 6 and 7).