

HOUSE RESEARCH

Bill Summary

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Authors: Barrett and others

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Analyst: Colbey Sullivan

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Overview

This bill creates a definition of farmers' market, authorizes certain parties to perform food sampling and demonstration at farmers' markets without a food handler license, and authorizes seasonal food stands to remain in one location for more than 21 days in a year if approved by the appropriate state or local regulatory agency.

The Minnesota Department of Agriculture and the Minnesota Department of Health enforce the state's food safety laws. The federal government and local units of government also play a regulatory role in Minnesota.

Section

- 1 Farmers' market.** Defines "farmers' market" for purposes of Minnesota Statutes, chapter 28A, "Licensing Food Handlers." This definition informs the other sections in this bill. This new definition also refines an existing food handler licensing exemption for persons who sell certain homemade foods at a farmers' market (the term is not defined in current law). Under current law, an unlicensed person can sell homemade foods at a farmers' market if the person sells no more than \$5,000 in a year of properly labeled (1) food that is not potentially hazardous, or (2) Minnesota-made and -processed pickles/vegetables/fruits with a pH of 4.6 or lower. According to the state departments of agriculture and health, potentially hazardous foods are those that are high in protein and include meats, poultry, seafood, eggs, dairy products, cooked vegetables such as beans, and cooked cereal grains such as rice.
- 2 Food product sampling.** Defines "food product sampling" (at a farmers' market) for purposes of Minnesota Statutes, chapter 28A, "Licensing Food Handlers."

Section

- 3** **Food demonstration.** Defines “food demonstration” (at a farmers’ market) for purposes of Minnesota Statutes, chapter 28A, “Licensing Food Handlers.”
- 4** **Farmers’ market definition; exceptions.** States that the definition in section 1 of this bill does not (1) prevent a farmers’ market association from creating a more restrictive definition for its members, or (2) preempt a local unit of government from issuing a different definition of farmers’ market for its jurisdiction.
- 5** **Farmers’ market food sampling and demonstration.** Authorizes a person to engage in food product sampling or demonstration at a farmers’ market (or a community event if the person is providing nutrition education) without a food handler license if the person satisfies the criteria in this section and provides the food for free. Requires a person exempt from licensing to follow specified portions of the state Food Code and provide certain information to the appropriate regulatory authority upon request.
- 6** **Seasonal temporary food stand.** Allows a seasonal temporary food stand to operate for more than 21 days a year in the same location if approved by the applicable regulatory authority.