

1.1 Sec. 5. **[25.391] EXEMPTION FOR COTTAGE FOOD PRODUCERS;**
1.2 **HOME-PROCESSED PET TREATS.**

1.3 Subdivision 1. **Exemption.** The provisions of this chapter do not apply to an individual
1.4 who prepares and sells home-processed pet treats for dogs and cats, provided the following
1.5 conditions are met:

1.6 (1) the individual is registered with the commissioner under section 28A.152, subdivision
1.7 4;

1.8 (2) the pet treats are not potentially hazardous food, as defined in Minnesota Rules, part
1.9 4626.0020, subpart 62, that is safe for human consumption and for consumption by the
1.10 intended species;

1.11 (3) the pet treats are baked or dehydrated;

1.12 (4) the individual displays at the point of sale a clearly legible sign or placard stating,
1.13 "These products are homemade and not subject to state inspection."; and

1.14 (5) each individual pet treat package is labeled with the following: (i) the name and
1.15 registration number or address of the individual preparing the pet treat; (ii) the date on which
1.16 the pet treat was prepared; (iii) the ingredients listed; and (iv) the statement "These products
1.17 are homemade and not subject to state inspection."

1.18 Subd. 2. **Direct sales to consumers.** An individual qualifying for the exemption under
1.19 subdivision 1 may sell the exempt pet treats to consumers in accordance with section
1.20 28A.152.

1.21 Sec. 7. Minnesota Statutes 2020, section 28A.152, subdivision 1, is amended to read:

1.22 Subdivision 1. **Licensing provisions applicability.** (a) The licensing provisions of
1.23 sections 28A.01 to 28A.16 do not apply to the following:

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

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

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

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

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

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

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

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

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

2.15 (c) An individual who qualifies for an exemption under paragraph (a) may organize the
2.16 individual's cottage food business as a business entity recognized by state law.

2.17 Sec. 8. Minnesota Statutes 2020, section 28A.152, subdivision 3, is amended to read:

2.18 Subd. 3. **Limitation on sales.** An individual selling exempt foods under this section is
2.19 limited to total sales with gross receipts of ~~\$18,000~~ \$78,000 or less in a calendar year.

2.20 Sec. 9. Minnesota Statutes 2020, section 28A.152, subdivision 4, is amended to read:

2.21 Subd. 4. **Registration.** An individual who prepares and sells exempt food under
2.22 subdivision 1 must register annually with the commissioner. The commissioner shall register
2.23 an individual within 30 days of submitting a complete registration to the commissioner. A
2.24 registration shall be deemed accepted after 30 days following an individual's complete
2.25 registration to the commissioner. The annual registration fee is \$50. An individual with
2.26 \$5,000 or less in annual gross receipts from the sale of exempt food under this section is
2.27 not required to pay the registration fee. Beginning January 1, 2022, and every five years
2.28 thereafter, the commissioner shall adjust the gross receipts amount of this fee exemption
2.29 based on the consumer price index using 2002 as the index year for the \$5,000 gross receipts
2.30 exemption.

3.1 Sec. 10. Minnesota Statutes 2020, section 28A.152, subdivision 5, is amended to read:

3.2 Subd. 5. **Training.** (a) An individual ~~with gross receipts between \$5,000 and \$18,000~~
3.3 ~~in a calendar year from the sale of~~ who sells exempt food under this section and is required
3.4 to pay the registration fee in subdivision 4 must complete a safe food handling training
3.5 course that is approved by the commissioner before registering under subdivision 4. The
3.6 training shall not exceed eight hours and must be completed every three years while the
3.7 individual is registered under subdivision 4.

3.8 (b) An individual ~~with gross receipts of less than \$5,000 in a calendar year from the sale~~
3.9 ~~of~~ who sells exempt food under this section and is exempt from paying the registration fee
3.10 in subdivision 4 must satisfactorily complete an online course and exam as approved by the
3.11 commissioner before registering under subdivision 4. The commissioner shall offer the
3.12 online course and exam under this paragraph at no cost to the individual.