

House Research Act Summary

CHAPTER: 163

SESSION: 2014 Regular Session

TOPIC: Food safety

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Overview

This act authorizes food sampling and demonstration at farmers' markets and community events without a food handler license under certain conditions. It also allows certain seasonal food stands to remain in one location for more than 21 days each year and adds nonprofit chili or soup cook-off fundraisers to the list of events that are exempt from state food safety licensing and standards.

The Minnesota Department of Agriculture (MDA) and the Minnesota Department of Health (MDH) enforce the state's food safety laws. The federal government and local units of government also play a regulatory role in Minnesota. Some local units of government have entered into delegation agreements with the state in order to enforce state food safety laws within their jurisdictions.

Section

- 1** **Farmer's market or community event; food product sampling and demonstration.** This section authorizes a person to engage in food product sampling or demonstration at a farmers' market (as defined) or a community event without a food handler license if the person satisfies the criteria in this section and provides the sample and/or demonstration food for free. A person exercising this new exemption must abide by specified portions of the state "Food Code" and provide specific information to the applicable government authority upon request.

Subdivision 1. Definitions. Defines "farmers' market," "food product sampling," and "food product demonstration" for purposes of this new law.

Subd. 2. Food sampling and demonstration. Provides a food-handler license exemption for a person who performs food product sampling or demonstration at a

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farmers' market (as those terms are defined) or at a community event (this term is not defined).

Subd. 3. Food required to be provided at no cost. Requires a person exercising the license exemption to offer sample and demonstration food at no cost to the consumer.

Subd. 4. Regulatory authority oversight. Requires any person conducting food sampling or demonstration at a farmers' market to provide specified information to the appropriate regulatory authority upon request.

Subd. 5. Food safety and equipment standards. Requires a person exempt from licensing to follow many of the food safety and equipment standards required of licensed special event food stands (e.g., domestic slow cookers are prohibited, single-service disposable eating and drinking utensils must be used, etc.).

Subd. 6. Definition exception. States that the definition of "farmers' market" in this section does not prevent a farmers' market association from creating a more restrictive definition for its purposes.

Effective date: This section took effect on April 12, 2014.

- 2 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.

Effective date: This section took effect on April 12, 2014.

- 3 Exemptions.** Exempts chili or soup served at a community-based nonprofit's chili or soup cook-off fundraiser from the licensing, inspection, and food safety standards required of food and beverage service establishments under Minnesota Statutes, chapter 157 "Food, Beverage, and Lodging Establishments," and associated MDH rules. (MDH has primary responsibility for enforcing chapter 157.)

To qualify for this new exemption, the municipality where the event is held must approve the chili or soup cook-off and the sponsoring organization must develop and enforce food safety rules for participants. If chili or soup was not prepared in a state- or local government-licensed and inspected kitchen, someone must post a visible sign to notify the public of this fact. In addition, all chili or soup must be labeled with the name and address of the person who prepared it.

This section does not have an effective date specified. As a result, it will take effect on August 1, 2014 (Minnesota Statutes, section 645.02).