

# Chapter 28

2021 Regular Session

Subject Agriculture  
Bill S.F. 958  
Analyst Colbey Sullivan  
Date June 2, 2021

## Overview

This is the 2021 omnibus agriculture policy act. The House of Representatives and Senate passed this act on the final day of the 2021 Regular Session, intending to adopt a fiscal years 2022-2023 budget for the Minnesota Department of Agriculture (MDA), the Board of Animal Health (BAH), and the Agricultural Utilization Research Institute during a forthcoming special legislative session.

Governor Tim Walz signed this act into law on May 25, 2021. Unless otherwise specified, the provisions in this act take effect on August 1, 2021.

## Summary

Section	Description
1	<p><b>Report.</b></p> <p>Requires MDA to report to the legislature each December regarding compensation payments awarded by the agency to the owners of livestock crippled or killed by wolves. Specifies report components.</p>
2	<p><b>Publicity representatives.</b></p> <p>Adds MDA to a list of state agencies that may hire and compensate a publicity representative. Prohibits MDA from paying an elected official or candidate for public office to serve as the agency's publicity representative.</p>
3	<p><b>Qualifications for receipt of financing and other financial or technical assistance.</b></p> <p>Modifies eligibility for MDA's Good Food Access Program. Eliminates the requirement that grocers and other Good Food Access Program applicants must agree to apply for the ability to accept Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) benefits and, if approved, to accept WIC benefits.</p>

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4	<p><b>Eligibility.</b></p> <p>Modifies eligibility criteria for MDA’s Sustainable Agriculture Demonstration Grant Program so that eligible projects are those that satisfy one or more of the requirements listed in this section, rather than all three requirements.</p>
5	<p><b>Requirement.</b></p> <p>Exempts from commercial pesticide applicator licensing requirements those who apply a general-use sanitizer or disinfectant for hire in response to the infectious disease COVID-19.</p> <p><b>Effective date:</b> This section is effective retroactive to March 31, 2021, or the day before a temporary license exemption granted in Laws 2020, chapter 71, article 2, section 19 expired.</p>
6	<p><b>Exemption for cottage food producers; home-processed pet treats.</b></p> <p>Exempts from licensing and other commercial animal feed requirements those who produce and sell eligible homemade dog and cat treats and satisfy the requirements in this section, including registering with MDA under the agency’s existing cottage food program and labeling the treats with specified information.</p>
7	<p><b>Licensing provisions applicability.</b></p> <p>Authorizes a cottage food seller to include either their address or state registration number on the label that must be placed on their homemade foods. Requires cottage food sellers to state on the food’s label that the product is homemade and not subject to state inspection. Provides that eligible home-processed pickles, vegetables, and fruits may have either a pH value of 4.6 or less or a water activity value of up to .85. Authorizes individuals who participate in the cottage foods program to organize their business in any manner recognized by state law (e.g., sole proprietorship, partnership, corporation, Limited Liability Company, etc.).</p> <p>Under current law and this act, most individuals and companies that sell food must obtain a state food handler license and be inspected by MDA or a delegated local health board. Eligible cottage food producers—i.e., individuals who sell homemade baked goods, canned goods, or other foods that pose a low risk of foodborne illness—are not required to obtain a food handler license but must register with MDA and satisfy certain labeling and training requirements.</p>
8	<p><b>Limitation on sales.</b></p> <p>Increases the annual gross sales limit for the cottage-foods license exemption from \$18,000 to \$78,000.</p>

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9	<b>Registration.</b> Requires MDA to register cottage food sellers within 30 days of receiving a complete registration and provides that after 30 days a registration is deemed to be accepted by MDA. Provides that on January 1, 2022, MDA must adjust for inflation the existing registration fee exemption for those who sell no more than \$5,000 of cottage foods in a year.
10	<b>Training.</b> Technical, conforming changes.
11	<b>Wild game processor exemption.</b> Exempts from state food handler license and permit requirements certain individuals who process wild game and fowl for return to the animal's owner. Requires eligible individuals to satisfy certain criteria, including labeling the game or fowl products as "Not for Sale," forgoing additional ingredients (e.g., spices, cheese, fat from other species), and grossing no more than \$20,000 or processing no more than 200 deer in a calendar year. Encourages license-exempt individuals to register with MDA each year and prohibits MDA from assessing a registration fee. Requires participating individuals who process deer harvested from a Chronic Wasting Disease (CWD) management area to dispose of the carcass via any method approved by the Department of Natural Resources for the CWD management area from which the animal was harvested.
12	<b>Members; officers.</b> Adds an additional member to the BAH and specifies that this member must be a livestock producer who is also a member of a federally recognized Tribe located in Minnesota.
13	<b>Disease control programs.</b> Requires BAH to allow Cervidae farmers located within a BAH-designated CWD management or endemic zone to move their animals off-farm if the animals test negative for CWD using a live-animal test validated by the United States Department of Agriculture (USDA) and the farmer has satisfied any other BAH movement requirements.
14	<b>Mandatory surveillance for CWD; depopulation.</b> Delays the timing of the mandatory depopulation of farmed Cervidae when CWD is detected in the herd. Provides that depopulation need not occur until the USDA indemnification process is complete.

<b>Section</b>	<b>Description</b>
15	<b>Agricultural cellulosic biomass sourcing plan.</b> Modifies the Bioincentive Program to provide that companies producing advanced biofuel from corn kernel fiber or biogas are no longer required to submit a responsible biomass sourcing plan to MDA.
16	<b>Claims.</b> Requires advanced biofuel producers to certify to MDA that they will not use bioincentive payments received from the agency to compensate a lobbyist.
17	<b>Agricultural cellulosic biomass sourcing plan.</b> Modifies the Bioincentive Program to provide that companies producing renewable chemicals from corn kernel fiber or biogas are no longer required to submit a responsible biomass sourcing plan to MDA.
18	<b>Claims.</b> Requires renewable chemical producers to certify to MDA that they will not use bioincentive payments received from the agency to compensate a lobbyist.
19	<b>Claims.</b> Requires biomass thermal energy producers to certify to MDA that they will not use bioincentive payments received from the agency to compensate a lobbyist.
20	<b>Establishment.</b> Modifies the Agroforestry Loan Program administered by the Rural Finance Authority (RFA). Eliminates RFA's authority to contract with a fiscal agent for program delivery.
21	<b>Definitions.</b> Eliminates the definition of "fiscal agent" for the Agroforestry Loan Program.
22	<b>Loans.</b> Authorizes RFA to work with participating private lenders, rather than a fiscal agent, to distribute agroforestry loans to eligible borrowers and limits RFA's share of the loan to 45 percent of the total principal. Authorizes RFA to require different interest rates and repayment terms for RFA's share of an agroforestry loan. Modifies security requirements so that borrowers are not required to pledge an interest in their land and pay corresponding recording fees. Eliminates language regarding RFA's ability to sell revenue bonds to raise funding for agroforestry loans. Funding for agroforestry loans will instead come from RFA's existing revolving loan account.
23	<b>Authorized activities.</b> Provides that a license to practice veterinary medicine is not required for a person who is certified by the Emergency Medical Services Regulatory Board in the event

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	that the person provides emergency medical care to a police dog that is wounded in the line of duty.  <b>Effective date:</b> This section took effect May 26, 2021.
24	<b>Expiration.</b> Extends the Farmer-Lender Mediation Act by five years, until June 30, 2027.  <b>Effective date:</b> This section took effect May 26, 2021.
25	<b>Report required; ACRRRA program.</b> Requires MDA to convene stakeholders and provide recommendations regarding the statutory payment and reimbursement limits under the Agricultural Chemical Response and Reimbursement Account Program. Requires MDA to include written stakeholder testimony in the agency's report to the legislature.
26	<b>Repealer.</b> Eliminates the RFA's authority to issue revenue bonds to finance the Agroforestry Loan Program. Instead, these loans would be funded via the RFA's existing revolving loan account.



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