

HOUSE RESEARCH

Bill Summary

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Current law provides a food-handler license exemption for individuals who prepare and sell no more than \$5,000/year of (1) food that is not “potentially hazardous” at a community event or farmers’ market, or (2) home-processed and home-canned pickles, vegetables, and fruits at a community or social event or a farmers’ market. The term “potentially hazardous food” is defined in the Food Code maintained by the Minnesota Department of Health in consultation with the Minnesota Department of Agriculture (Minn. Rules ch. 4626).

The bill would expand the exemption by authorizing license-exempt individuals to sell their food directly to individual consumers beyond community events and farmers’ markets. The individual will be required to pay a \$50 registration fee to the Minnesota Department of Agriculture each year and attend a safe food handler training course every three years. The amendment also raises the annual sales limit to \$18,000.

According to the Minnesota Department of Agriculture, potentially hazardous food includes raw or heat-treated eggs, milk, meat, and poultry; cooked rice; cooked potatoes; raw seed sprouts; cut melons; and garlic and oil mixtures.

Under the Food Code, potentially hazardous food is defined as follows:

A. "Potentially hazardous food" means a food that is natural or synthetic and is in a form capable of supporting: (1) the rapid and progressive growth of infectious or toxigenic microorganisms; (2) the growth and toxic production of *Clostridium botulinum*; or (3) in raw shell eggs, the growth of *Salmonella enteritidis*.

Section

B. Potentially hazardous food includes a food of animal origin that is raw or heat-treated, a food of plant origin that is heat-treated or consists of raw seed sprouts, cut melons, and garlic and oil mixtures that are not acidified or otherwise modified at a food processing plant in a way that results in mixtures that do not support growth as specified in item A.

C. Potentially hazardous food does not include: (1) an air-cooled hard-boiled egg with shell intact; (2) a food with an aw value of 0.85 or less; (3) a food with a pH level of 4.6 or below when measured at 24 degrees C (75 degrees F); (4) a food, in an unopened hermetically sealed container, that is commercially processed to achieve and maintain commercial sterility under conditions of nonrefrigerated storage and distribution; (5) a food for which laboratory evidence demonstrates that the rapid and progressive growth of infectious and toxigenic microorganisms or the growth of *Salmonella enteritidis* in eggs or *Clostridium botulinum* cannot occur, including a food that has an aw and a pH that are above the levels specified in subitem (2) or (3) and that may contain a preservative, other barrier to the growth of microorganisms, or a combination of barriers that inhibit the growth of microorganisms; or (6) a food that may contain an infectious or toxigenic microorganism or chemical or physical contaminant at a level sufficient to cause illness, but that does not support the growth of microorganisms as specified in item A. (Minnesota Rules, part 4626.0020, subpart 62)