

HOUSE RESEARCH

Bill Summary

FILE NUMBER: H.F. 910
Version: As introduced

DATE: March 6, 2015

Authors: Newberger and Kahn

Subject: Food licensing exemption

Analyst: Colbey Sullivan

This publication can be made available in alternative formats upon request. Please call 651-296-6753 (voice); or the Minnesota State Relay Service at 1-800-627-3529 (TTY) for assistance. Summaries are also available on our website at: www.house.mn/hrd/.

Overview

Current law provides a food-handler license exemption for individuals who prepare and sell no more than \$5,000/year of food that is not “potentially hazardous” at community events or farmers’ markets. 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. It also raises the annual sales limit to \$10,000. If the person attends a food manager course and passes a food manager test recognized by the Minnesota Department of Agriculture, the gross sales limit would increase to \$26,000 per year. Finally, the bill would codify examples of foods that are not potentially hazardous and require license-exempt individuals to list all ingredients and possible allergens on the food’s label.

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

Section

or toxigenic microorganisms; (2) the growth and toxic production of *Clostridium botulinum*; or (3) in raw shell eggs, the growth of *Salmonella enteritidis*.

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)