

Food Safety System: An Overview

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State laws and activities protect Minnesota's food supply from contamination by disease-causing bacteria or viruses and from substances and adulterants that are harmful to human health. The state food safety system includes activities that identify foods and beverages responsible for foodborne illness outbreaks.

What is the state's role in the food safety system?

State law requires licensing and periodic inspection of many participants in the commercial food industry. This includes most food manufacturers, processors, distributors, transporters, and retailers. Licensing requirements, food-handling and facility-sanitation standards, and inspection frequency vary based on the type of food operation and the perceived level of risk posed to public health. The state also has a role in monitoring, detecting, and investigating outbreaks of foodborne illness.

The state Departments of Agriculture and Health share primary responsibility for administering the state's food safety laws. Both agencies enforce the state food code ([Minn. Rules, ch. 4626](#)). Each agency's jurisdiction is established in law and summarized in the table below. A food business that prepares and serves food under the jurisdiction of both agencies is licensed by the agency responsible for the majority of the entity's business.

Agencies Responsible for Food Safety

| Agency | Role | Regulated Entities |
|---|--|---|
| Minnesota Department of Agriculture (MDA) | <p>MDA licenses and inspects food manufacturers, wholesalers, transporters, and retailers. Inspectors enforce state standards relating to food safety, quality, condition, labeling, and advertising as well as the sanitation of premises, equipment, and vehicles used in the sale, storage, preparation, and distribution of foods and beverages.</p> <p>MDA also investigates complaints regarding food products or sales practices, participates in foodborne illness investigations involving MDA-regulated facilities, and educates regulated entities and citizens about safe food-handling practices.</p> | Grocery stores; bakeries; convenience stores; meat or poultry processors; egg handlers; dairy farms, processing plants, and haulers; food manufacturers including alcohol producers; vending machines; food delivery vehicles; certain fair stands (depending on menu); certain mobile food units (depending on menu); wholesale food distributors; and certain produce farms |
| Minnesota Department of Health (MDH) | <p>MDH licenses and inspects food establishments, investigates complaints regarding food handling practices, and provides food safety information to the public and industry via its website, an interactive education program, and professional development courses.</p> <p>MDH also tracks and monitors foodborne illness through disease outbreak detection activities, including active lab surveillance for reportable diseases, utilization of the Minnesota Foodborne and Waterborne Illness Hotline or online survey, and inspection of identified facilities to ensure safe food handling.</p> | Cafes; restaurants; bars and lounges; bed and breakfasts; hotels; motels; resorts; caterers; workplace and school cafeterias; coffee shops; clubs; concession stands; conference centers; food carts; certain fair stands (depending on menu); certain mobile food units (depending on menu); seasonal food stands; and special event food stands |

What role do other levels of government play?

Many Minnesota laws are based on federal food safety laws, model codes, and national facility, equipment, and sanitation standards. In fact, several federal laws and interstate standards are explicitly incorporated in state law. Federal regulators also have a physical presence in the state. As required by federal law, inspectors with the U.S. Department of Agriculture (USDA) examine all meat, poultry, and related products produced in Minnesota that may be sold in other states. In addition, MDA employees inspect small meat and poultry processors and other food businesses under agreements with the USDA or under state authority consistent with that of the Food and Drug Administration (FDA) within the U.S. Department of Health and Human Services. Additionally, the Centers for Disease Control and Prevention (CDC) coordinates the national foodborne illness surveillance network and provides funding to ensure state participation.

Both MDA and MDH exercise statutory authority to delegate certain retail facility licensing and inspection activities to eligible, participating local units of government. For example, some larger cities carry out their own grocery and convenience store and restaurant licensing and inspection programs under agreements with MDA and MDH.

How are food safety activities funded?

Activities at both MDA and MDH are funded by a combination of fees paid by regulated entities, federal funds, and state general fund appropriations. The relative importance of each source varies significantly by agency and program.

How frequently are food establishments inspected?

The frequency of inspection depends upon the type of operation as well as the food-handling methods employed at the site. For example, federal law and USDA cooperative agreements require MDA inspectors to be present whenever small, intrastate operations are slaughtering livestock or producing meat or poultry products for sale. MDA and MDH—or a local entity under a delegation agreement—inspect other regulated entities depending on the operation's risk to public health, typically once a year, or once every 18, 24, or 36 months.

Are there any constraints on state food safety policy?

Yes. Federal laws, delegation agreements, and interstate food safety ordinances that provide for a degree of uniformity across the nation effectively limit state food safety policymaking in certain areas.

How are foodborne illness outbreaks detected in Minnesota?

MDH detects foodborne illness outbreaks by utilizing mandatory reporting of communicable diseases, reports made to the Minnesota Foodborne and Waterborne Illness Hotline, emails to a dedicated reporting address, reports to the Foodborne and Waterborne Illness Report (an online survey), and reports to the licensing agency if licensed by a local unit of government. Reported cases confirmed by MDH are quickly investigated to identify potential sources of illness. Once a source is identified, the regulatory divisions of MDA and MDH are notified in order to address the food item of concern and to identify and correct food-handling practices that led to contamination.



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