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State of Minnesota  
HOUSE OF REPRESENTATIVES  
NINETY-FOURTH SESSION  
H. F. No. 242

01/23/2025 Authored by Roach, Altendorf, Gordon, Fogelman, Dippel and others  
The bill was read for the first time and referred to the Committee on Agriculture Finance and Policy

- 1.1 A bill for an act
- 1.2 relating to agriculture; amending cottage foods exemption; requiring reports;
- 1.3 amending Minnesota Statutes 2024, section 28A.152, subdivisions 1, 2, 3, 4, by
- 1.4 adding a subdivision.
- 1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.6 Section 1. Minnesota Statutes 2024, section 28A.152, subdivision 1, is amended to read:
- 1.7 Subdivision 1. **Licensing provisions applicability.** (a) The licensing provisions of
- 1.8 sections 28A.01 to 28A.16 do not apply to the following:
- 1.9 (1) ~~an individual~~ a person who prepares and sells food that is not potentially hazardous
- 1.10 food, as defined in Minnesota Rules, part 4626.0020, subpart 62, if the following
- 1.11 requirements are met:
- 1.12 (i) the prepared food offered for sale under this clause is labeled to accurately reflect
- 1.13 the name and the registration number or address of the ~~individual~~ person preparing and
- 1.14 selling the food, the date on which the food was prepared, the ingredients and any possible
- 1.15 allergens, and the statement "These products are homemade and not subject to state
- 1.16 inspection."; and
- 1.17 (ii) the ~~individual~~ person displays at the point of sale a clearly legible sign or placard
- 1.18 stating: "These products are homemade and not subject to state inspection."; and
- 1.19 (2) ~~an individual~~ a person who prepares and sells home-processed and home-canned
- 1.20 food products if the following requirements are met:
- 1.21 (i) the products are pickles, vegetables, or fruits having an equilibrium pH value of 4.6
- 1.22 or lower or a water activity value of .85 or less;

2.1 (ii) the products are home-processed and home-canned in Minnesota;

2.2 (iii) the ~~individual~~ person displays at the point of sale a clearly legible sign or placard  
2.3 stating: "These products are homemade and not subject to state inspection."; and

2.4 (iv) each container of the product sold or offered for sale under this clause is accurately  
2.5 labeled to provide the name and the registration number or address of the ~~individual~~ person  
2.6 who processed and canned the goods, the date on which the goods were processed and  
2.7 canned, ingredients and any possible allergens, and the statement "These products are  
2.8 homemade and not subject to state inspection."

2.9 (b) ~~An individual~~ A person who qualifies for an exemption under paragraph (a), clause  
2.10 (2), is also exempt from the provisions of sections 31.31 and 31.392.

2.11 (c) ~~An individual~~ A person who qualifies for an exemption under paragraph (a) may  
2.12 organize the individual's cottage food business as a business entity recognized by state law.

2.13 Sec. 2. Minnesota Statutes 2024, section 28A.152, subdivision 2, is amended to read:

2.14 Subd. 2. **Direct sales to consumers.** (a) ~~An individual~~ A person qualifying for an  
2.15 exemption under subdivision 1 may sell the exempt food:

2.16 (1) directly to the ultimate consumer, including but not limited to at a community event  
2.17 or farmers' market;

2.18 (2) directly from the ~~individual's~~ person's home to the ultimate consumer, to the extent  
2.19 allowed by local ordinance; or

2.20 (3) through donation to a community event with the purpose of fundraising for an  
2.21 individual, or fundraising for an educational, charitable, or religious organization.

2.22 (b) If an exempt food product will be delivered to the ultimate consumer upon sale of  
2.23 the food product, the ~~individual~~ person who prepared the food product ~~must be the person~~  
2.24 ~~who delivers the food product to the ultimate consumer~~ may deliver the food or the food  
2.25 product may be delivered by mail or commercial delivery.

2.26 (c) Food products exempt under subdivision 1, paragraph (a), clause (2), may not be  
2.27 sold outside of Minnesota.

2.28 (d) Food products exempt under subdivision 1 may be sold over the Internet ~~but must~~  
2.29 ~~be delivered directly to the ultimate consumer by the individual who prepared the food~~  
2.30 ~~product.~~ The statement "These products are homemade and not subject to state inspection."  
2.31 must be displayed on the website that offers the exempt foods for purchase.

3.1 Sec. 3. Minnesota Statutes 2024, section 28A.152, subdivision 3, is amended to read:

3.2 Subd. 3. **Limitation on sales.** ~~An individual~~ A person selling exempt foods under this  
3.3 section is limited to total sales with gross receipts of ~~\$78,000~~ \$85,000 or less in a calendar  
3.4 year.

3.5 Sec. 4. Minnesota Statutes 2024, section 28A.152, subdivision 4, is amended to read:

3.6 Subd. 4. **Registration.** ~~An individual~~ A person who prepares and sells exempt food  
3.7 under subdivision 1 must register annually with the commissioner. The commissioner shall  
3.8 register ~~an individual~~ a person within 30 days of submitting a complete registration to the  
3.9 commissioner. A registration shall be deemed accepted after 30 days following ~~an individual's~~  
3.10 a person's complete registration to the commissioner. The annual registration fee is \$50. ~~An~~  
3.11 ~~individual~~ A person with ~~\$5,000~~ \$8,500 or less in annual gross receipts from the sale of  
3.12 exempt food under this section is not required to pay the registration fee. ~~By January 1,~~  
3.13 ~~2022, the commissioner shall adjust the gross receipts amount of this fee exemption based~~  
3.14 ~~on the consumer price index using 2002 as the index year for the \$5,000 gross receipts~~  
3.15 ~~exemption.~~

3.16 Sec. 5. Minnesota Statutes 2024, section 28A.152, is amended by adding a subdivision to  
3.17 read:

3.18 Subd. 8. **Report to legislature.** No later than January 10, 2026, and every two years  
3.19 thereafter, the commissioner must provide a report to the chairs and ranking minority  
3.20 members of the legislative committees having jurisdiction over agriculture. The report must  
3.21 include the amounts in subdivisions 3 and 4, a history of when those amounts changed, and  
3.22 a calculation of what those amounts would be if adjusted for inflation by the Consumer  
3.23 Price Index.