

1.1 Senator moves to amend the delete-everything amendment (SCS2458A-3)
1.2 to S.F. No. 2458 as follows:

1.3 Page 44, after line 26, insert:

1.4 "Sec. 11. Minnesota Statutes 2024, section 25.391, subdivision 1, is amended to read:

1.5 Subdivision 1. **Exemption.** The provisions of this chapter do not apply to ~~an individual~~
1.6 a person who prepares and sells home-processed pet treats for dogs and cats, provided the
1.7 following conditions are met:

1.8 (1) the person is an individual, a sole proprietorship, a single-member limited liability
1.9 company owned by one individual, or a limited liability company owned by two individuals
1.10 residing at the same residence;

1.11 (2) the person does not hold a commercial feed license under section 25.341;

1.12 (3) the individual person is registered with the commissioner under section 28A.152,
1.13 subdivision 4;

1.14 ~~(2)~~ (4) the pet treats are not potentially hazardous food, as defined in Minnesota Rules,
1.15 part 4626.0020, subpart 62, that is safe for human consumption and for consumption by the
1.16 intended species;

1.17 ~~(3)~~ (5) the pet treats are baked or dehydrated;

1.18 ~~(4)~~ (6) the ~~individual~~ person displays at the point of sale a clearly legible sign or placard
1.19 stating, "These products are homemade and not subject to state inspection."; and

1.20 ~~(5)~~ (7) each individual pet treat package is labeled with the following: (i) the name and
1.21 registration number or address of the individual preparing the pet treat; (ii) the date on which
1.22 the pet treat was prepared; (iii) the ingredients listed; and (iv) the statement "These products
1.23 are homemade and not subject to state inspection."

1.24 Sec. 12. Minnesota Statutes 2024, section 25.391, subdivision 2, is amended to read:

1.25 Subd. 2. **Direct sales to consumers.** ~~An individual~~ A person qualifying for the exemption
1.26 under subdivision 1 may sell the exempt pet treats to consumers in accordance with section
1.27 28A.152, except that pet treats may also be delivered by mail or commercial delivery."

1.28 Page 111, after line 16, insert:

2.1 "Sec. 14. Minnesota Statutes 2024, section 28A.152, subdivision 1, is amended to read:

2.2 Subdivision 1. **Licensing provisions applicability.** (a) Except as provided in paragraph
2.3 (d), the licensing provisions of sections 28A.01 to 28A.16 do not apply to the following:

2.4 (1) ~~an individual~~ a person who prepares and sells food that is not potentially hazardous
2.5 food, as defined in Minnesota Rules, part 4626.0020, subpart 62, if the following
2.6 requirements are met:

2.7 (i) the prepared food offered for sale under this clause is labeled to accurately reflect
2.8 the name and the registration number or address of the ~~individual~~ person preparing and
2.9 selling the food, the date on which the food was prepared, the ingredients and any possible
2.10 allergens, and the statement "These products are homemade and not subject to state
2.11 inspection."; and

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

2.14 (2) ~~an individual~~ a person who prepares and sells home-processed and home-canned
2.15 food products if the following requirements are met:

2.16 (i) the products are pickles, vegetables, or fruits having an equilibrium pH value of 4.6
2.17 or lower or a water activity value of .85 or less;

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

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

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

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

2.28 (c) ~~An individual who qualifies~~ To qualify for an exemption under paragraph (a) ~~may~~
2.29 ~~organize the individual's cottage food business as a business entity recognized by state law,~~
2.30 a person must be an individual, a sole proprietorship, a single-member limited liability
2.31 company owned by one individual, or a limited liability company owned by two individuals
2.32 residing at the same residence.

(d) A person cannot qualify for an exemption under paragraph (a) if the person holds a food handler license required under section 28A.04.

Sec. 15. Minnesota Statutes 2024, section 28A.152, subdivision 2, is amended to read:

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

(1) directly to the ultimate consumer at a community event or farmers' market;

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

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

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

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

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

Sec. 16. Minnesota Statutes 2024, section 28A.152, subdivision 3, is amended to read:

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

Sec. 17. Minnesota Statutes 2024, section 28A.152, subdivision 4, is amended to read:

Subd. 4. **Registration.** ~~An individual~~ A person who prepares and sells exempt food under subdivision 1 must register annually with the commissioner. The commissioner shall register ~~an individual~~ a person within 30 days of submitting a complete registration to the commissioner. A registration shall be deemed accepted after 30 days following ~~an individual's~~ a person's complete registration to the commissioner. The annual registration fee is ~~\$50~~ \$30. ~~An individual with \$5,000 or less in annual gross receipts from the sale of exempt food under this section is not required to pay the registration fee. By January 1, 2022, the~~

4.1 ~~commissioner shall adjust the gross receipts amount of this fee exemption based on the~~
4.2 ~~consumer price index using 2002 as the index year for the \$5,000 gross receipts exemption.~~

4.3 Sec. 18. Minnesota Statutes 2024, section 28A.152, subdivision 5, is amended to read:

4.4 Subd. 5. **Training.** ~~(a) An individual~~ A person who sells exempt food under this section
4.5 and is required to pay the registration fee in subdivision 4 must complete a safe food handling
4.6 training course that is approved by the commissioner before registering under subdivision
4.7 4. The training shall not exceed eight hours and must be completed every three years while
4.8 the ~~individual~~ person is registered under subdivision 4.

4.9 ~~(b) An individual who sells exempt food under this section and is exempt from paying~~
4.10 ~~the registration fee in subdivision 4 must satisfactorily complete an online course and exam~~
4.11 ~~as approved by the commissioner before registering under subdivision 4. The commissioner~~
4.12 ~~shall offer the online course and exam under this paragraph at no cost to the individual.~~

4.13 Sec. 19. Minnesota Statutes 2024, section 28A.152, is amended by adding a subdivision
4.14 to read:

4.15 Subd. 8. **Adjustments.** The commissioner must adjust the limitation on sales in
4.16 subdivision 4 every two years to the inflation level established in the United States Bureau
4.17 of Labor and Statistics Consumer Price Index, using July 2025 as the base month and year."

4.18 Renumber the sections in sequence and correct the internal references

4.19 Amend the title accordingly