

Wineries – Retail Food Operations

The Minnesota Department of Agriculture (MDA) licenses and inspects food establishments in the state of Minnesota and works to consistently apply and enforce food safety regulations. For the past several years the MDA's Food and Feed Safety Division has licensed breweries and distilleries in the state and is working to license and inspect all commercial establishments producing and selling alcohol, including wineries. This factsheet explains the food regulatory requirements for wine manufacturers and farm wineries that have retail sales.

Retail Operations

Retail operations sell directly to the end consumer. Wineries selling bottled wine from a tasting room, wine tastings by the glass, or packaged food in the tasting room would all be considered retail operations.

Many licensed facilities do a combination of wholesale and retail, and the overall license type is determined based on dollar amount of sales (more than 50% of one or the other). The license requirement is independent of the requirement to comply with food safety and sanitation regulations. This means that facilities doing both retail and wholesale are subject to regulations pertaining to both.

Applicable Regulations

The Minnesota Food Code (MN Rule 4626) applies to retail facilities. Wineries that produce their own wine would need to meet the good manufacturing practices (21 CFR 110) in the production locations, and then meet the food code in the rest of the facility.

Plan Review Requirement

The food code contains a requirement for plan review, which is the process the MDA uses for evaluation and approval of all retail food areas prior to licensing. Plan review is required for any facility that plans to sell food or beverages to the end consumer, either packaged or unpackaged. All retail areas of current, existing operations must go through plan review unless:

- the review was previously done by another agency and all requirements are met, or
- the winery only sells prepackaged nonperishable foods, including the bottled wine.

Plan Review Process

Before a license will be issued, the applicant must submit a complete plan review application including supporting information about the menu, equipment, and space, along with the required plan review fee.

- An application must be submitted for existing facilities that are not licensed, new facilities, or facilities that are conducting extensive remodeling.
- The MDA will review the plans and report findings to the applicant within 30 days of the date the completed plans are received.
- Plans and specifications that are not approved as submitted must be changed to comply or be deleted from the project.
- The plan review application form and additional information can be found here: <http://www.mda.state.mn.us/en/food/business/plan-review.aspx>

Wooden Barrels

There will be some exceptions to the equipment requirements made for industry specific equipment, most notably for wooden barrels used for aging.

What are examples of facility requirements?

- All equipment must be listed as meeting the National Sanitation Foundation International Standards. Homemade walk in coolers are prohibited. There are some exceptions to the equipment requirements made for industry specific equipment, most notably for wooden barrels used for aging.
- Hand washing sinks are needed for all areas of beverage service and food preparation.
- A three compartment sink with drain boards, a separate dump sink, and a mop sink are required.
- Storage space must have durable and cleanable floors, walls, and ceilings.
- All equipment behind a bar must be on legs, casters, or properly finished solid base.
- Floor finishes must be durable and have an integral cove base. For examples please see the MDA Retail Food Establishment Construction Guide: <http://www.mda.state.mn.us/food/business/~media/Files/food/business/constructionguide.ashx>
- Walls exposed to water must have a durable moisture-resistant finish.
- A commercial grade water heater sized to accommodate all fixtures is needed.
- Toilet rooms must be available for employees. Other building requirements for available public toilet rooms may also apply.

Steps after Plan Review

1. Once the plan review process is complete, you will receive an approval letter containing any relevant comments or changes. If construction is needed, it may now begin.
2. Once any needed construction is complete, contact the assigned Food Inspector indicated on the approval letter to arrange a pre-licensing inspection.

Water and Septic Requirements

License applicants not connected to municipal utilities must have approved water and septic systems.

- Wells must meet the construction code in place at the time they were dug; this can be checked by reviewing well records at the county or state level.

- The unique well number, evidence of construction approval and well water testing results must be submitted as part of the plan review process.
- A letter of compliance from the local authority is needed for approval of a private septic system.

Additional Construction Requirements

If plumbing work is needed, plumbing plans must be submitted to the Minnesota Department of Labor and Industry or a delegated agency at the city or county level for review prior to construction.

The MDA inspector doing a pre-licensing inspection will also check for all local zoning, building, electrical, mechanical permits and approvals.