

Questions and Answers

General – Potential Food Licensing Model

Q: Would these changes affect licensing statewide?

A: These changes would be applied everywhere the MDA has authority to license (where not delegated to another authority or licensed by the Minnesota Department of Health. So, the new framework would be applicable across the state where the MDA has authority to license.

Q: As the general manager for two convenience stores, would my Food Handler's license cover both or would we still need an employee at each location to carry their license?

A: Each location would need a license.

Q: If the transfer of product from a wholesaler to themselves is considered retail, does the initial wholesale need to meet retail requirements?

A: If there is no sale to another legal entity, the entire operation would be considered retail. If there is a sale to another legal entity, the initial wholesale processing area would not need to meet retail requirements.

Q: Can you expand on what types of "Endorsements" would be needed for the Food Handler category?

A: These could be additional activities, such as Time and Temperature Control for Safety (TCS) food or specialized processing for sales direct to consumers or other food businesses for resale. The activities covered by inspection would be listed on the license.

Q: Have you determined the cost for 'Base Fee' for Food Handlers? Or have you determined the "additional cost" for endorsements?

A: This has not been finalized and the MDA would appreciate input on this.

Q: Do the current wholesale licenses go away?

A: Yes.

Q: What would a warehouse be licensed as in the new system?

A: A warehouse would need a Food Handler license.

Q: For wholesale food processors/handlers, would this be a second license, or does it replace the current MDA license?

A: The current MDA classification scheme would go away; this new system would replace the existing MDA license structure.

Q: The rationale for us to be listed as a 'broker' was that the MDA wanted to know who was involved, but not actually handling product. Would someone in that situation in the future no longer have any license?

A: Food Broker would be an endorsement on the Food Handler license. Input is welcome here.

Q: Would it be possible to store foods at the farm instead of the commercial kitchen where they are made? This is a frozen product, so could just as well sit in a freezer at the farm, as at the commercial kitchen.

A: If storage facilities meet Good Manufacturing Practices (GMP), then storage facilities could fit under the "umbrella" Home Processor or Small-Scale Food Handler license. If operating as a Food Handler, then this would be considered a separate place of business.

Q: What happens to the role of the inspectors?

A: The proposed changes are around the structure of licenses; there are no anticipated changes to the role of the inspectors under this potential food licensing model. Of course, the new license category of Home Food Processor as a new license category would increase the workload for inspectors and the MDA would need to cover that cost.

Potential Home Food Processor License Category

Q: Would the Home Food Processor license be subject to routine inspection?

A: Yes, it would. Please also note that technology can allow this to be done possibly without an on-site inspection.

Q: Could a cottage food producer also hold a Home Food Processor license at the same time?

A: Having a license, to include Home Food Processor, does not preclude an individual from registering as a cottage food producer.

Q: Is the non-comingling of Cottage Food and Home Food Processor not allowed at the same time or ever?

A: Having a license, to include Home Food Processor, does not preclude an individual from registering as a cottage food producer. Since operating under a license and operating as registered cottage food producer are two different activities, the operator would need to meet the requirements for each so that it is clear to the consumer which food items are made under each activity.

Q: To clarify, a Home Food Processor is different from Cottage Food? Can Home Food Processors sell to retail stores like grocery stores?

A: Home Food Processors can sell direct to consumer. The proposal right now is that sales to another legal entity like a grocery store would come with the Small-Scale Food Handler license. Input is welcome here as well.

Q: Why would a Cottage Food producer elect to get the Home Food Processor license?

A: There are foods you can make with the Home Processor license that do not qualify for Cottage Food registration.

Q: Will there be fees for the Home Processor license?

A: Yes, there would be a fee. This is particularly an area where the MDA is looking for input on amount and structure.

Q: What would be the sales cap for the Home Food Processor?

A: This potential license category does not have a sales cap, but this is particularly an area where the MDA is looking for input.

Q: Have you outlined any specific requirements for the Home Food Processor kitchen?

A: No, not yet. The MDA would need to establish these as new requirements. As part of the next step in this feedback process, the MDA will be hearing feedback from focus groups on what to consider specifically here. At this point, the MDA is looking for input on the general idea now.

Q: Could home food processor send TCS food through temp controlled delivery services?

A: This is not yet determined. Input is welcome here.

Potential Small-Scale Food Handler Category

Q: If you set a sales cap for the Small-Scale Handler, how will you differentiate between high-value specialty crops or products vs. lower-value production?

A: This is exactly the kind of feedback we want to get. What measure or criteria we should use to differentiate? What considerations should we have? Input is welcome here.

Potential Food Handler License Category

Q: There are license types where there is no additional licensing for offsite sales. For Food Handler license, a license is needed for every place of business. Where is the line where you would consider something a separate place of business?

A: Any brick-and-mortar business site would need their own Food Handler license. If a Food Handler is selling packaged food product offsite, that is what would be considered an extension of business from the licensed location.

Potential Mobile Food Handler License Category

Q: What is the time period for Mobile Food Handler. It has been difficult to navigate different months for when application or renewal is due. Could you make them all calendar year?

A: It is an annual license, with application or renewal on April 1 of each year. The MDA could consider changing this to a different month and welcomes input on this.

Q: Does the license per location go away for the Mobile Food Handler license?

A: There is one license per unit for Mobile Food Handler.

Q: What about offsite storage location for Mobile Food Handlers?

A: This is an area where the MDA would especially like input on how to consider this in licensing.

Q: Do the former categories of Mobile Food Unit, Seasonal Temporary Food Stand, Special Event Food Stand, or Retail Food Vehicle/Portable Structure/Cart now all fit under the Food Handler license in this model?

A: All of these would be under the Mobile Food Handler license. However, also remember that a Home Food Processor, Small Scale Food Handler, or Food Handler would not need an additional license to use a retail food vehicle, portable structure, or cart to sell prepackaged food offsite as an extension of their business.

Current Licensing Exclusion / Exemptions

Q: What happens to Product of Farm Exemption from licensing? What oversight applies to this group?

A: Nothing around this exemption or how Product of the Farm is managed changes with this license exclusion.

Q: Are there no rules or oversight for Product of the Farm exemption?

A: Minnesota Food Law applies to Product of the Farm. There are statutes that cover prohibited acts such as food adulteration and misbranding. There are also applicable standards from rule that apply. The MDA is not proposing any changes to the Product of the Farm licensing exemption.

Terms

Q: Does “special processing” include the pasteurizing of juice?

A: Yes, pasteurizing juice is a specialized process.

Q: What is GMP?

A: GMP stands for “Good Manufacturing Practices”.