

## Local Foods Cross-Border Sales in Minnesota

This document is intended to be used as guidance and is focused on cross-border sales of cottage foods, products of the farm or garden, and other products that may be considered “local foods.” It may not cover your specific scenario or food product. Due to differences in licensing requirements from state to state, food sales across state borders can be confusing. Please reach out to the [Minnesota Department of Agriculture’s \(MDA\) Licensing Liaison](#) and the state where you are selling or making your food product if you have any additional questions. Non-Minnesota state contacts are listed in the Resources section at the bottom of this document.

### Your product may fall under one of the following situations:

- 1) License required:** When selling across a state border, this may involve getting a license in the state you are making or processing the product, as well as a license in the state where you are selling a product.
- 2) Exempted from licensing:** If you are a Minnesota registered cottage food producer, you are exempted from licensing for making and selling your cottage food product, as long as you follow Minnesota Cottage Food Law. You should check with the state where you are selling your product(s) to ensure they allow sales of Minnesota cottage foods.
- 3) Excluded from licensing:** If you are selling products exclusively grown or raised on your owned or rented land (products of your own farm or garden), you are excluded from licensing in Minnesota. If you are selling outside of Minnesota, you should check with the state where you are selling to ensure they allow sales of unlicensed farm or garden products.

**While certain food products may be exempted or excluded from food licensing, they are not exempted or excluded from complying with other statutes or rules that apply to the safe operation of food processing facilities or delivery vehicles.** Applicable rules or statutes may include the Produce Safety Rule, the Minnesota Food Code, Good Manufacturing Practices (GMPs), or applicable state and federal meat and poultry inspection requirements.

### Table of Contents

Produce from the farm or garden (e.g., fruits, vegetables, herbs, mushrooms, garlic scapes, garlic bulbs) .....	3
Garlic paste .....	3
Black garlic .....	4
Plain honey .....	4
Plain maple syrup or maple sugar .....	5

Flavored honey, flavored maple syrup .....	5
Apple cider .....	6
Jam, jelly, or fruit syrup .....	6
Acidified and fermented foods (e.g., canned pickles, relish, salsa, sauerkraut, fruit sauce).....	7
Pesto (oil-based paste made with basil, spinach, garlic scapes, etc.) .....	7
Infused oil (e.g., garlic infused oil, pepper infused oil, etc.) .....	8
Cottage foods (in general) .....	8
Meat .....	9
Poultry .....	9
Eggs.....	9
Seafood.....	9
Dairy .....	10
Pet treats .....	10
General Guidance.....	10
Border State Contacts.....	11
Border State Cottage Food Resources.....	11
Resources.....	11

Food Product	I produce my products in Minnesota, but want to sell them out-of-state	I want to sell my products in Minnesota, but I produce them out-of-state
<p><b>Produce from the farm or garden</b> (e.g., fruits, vegetables, herbs, mushrooms, garlic scapes, garlic bulbs)</p>	<p>A food license is not required to grow or sell produce in Minnesota from the producer’s owned or rented land under <a href="#">product of the farm or garden exclusion</a>. Refer to the MDA <a href="#">Produce Safety Program website</a> to determine where your farm falls under the Minnesota Produce Safety Rule. Please note that some states (like Wisconsin or North Dakota) will require that your product be processed under a license in Minnesota in order to sell in their state, even if it is considered “product of the farm or garden” in Minnesota. States may have different requirements and definitions of “processing” of produce items.</p> <p>If you need a license in Minnesota for processing your product of the farm or garden, you will need to add an “off-farm” ingredient, or something you did not grow yourself, to be eligible for licensing in Minnesota.</p> <p>Finally, a separate food license may also be required in the state where you plan to sell your produce (outside of Minnesota).</p>	<p>Questions about selling food products in Minnesota can also be directed to the MDA Licensing Liaison at <a href="mailto:mda.licensing@state.mn.us">mda.licensing@state.mn.us</a>.</p> <p>A food license is not required to sell produce in Minnesota from the producer’s owned or rented land under the <a href="#">product of the farm or garden exclusion</a>. Produce may be processed prior to sale in Minnesota, but no additional off-farm ingredients can be added to be eligible for the licensing exclusion. “Processing” in Minnesota includes washing, cutting, drying, blanching, and packaging. Some states outside of Minnesota may require a license to do this type of processing (e.g., Wisconsin, North Dakota), even if the produce will be sold outside of that state. States may have different requirements and definitions of “processing” of produce items.</p> <p>To sell wild mushrooms to food establishments in Minnesota, the Minnesota Food Code requires an approved source of wild mushrooms. A <a href="#">Certified Mushroom Harvester Registration</a> is required, including taking an approved mushroom identification course and registration with the MDA.</p>
<p><b>Garlic paste</b></p>	<p>Garlic paste made with garlic sourced from the producer’s owned or rented land falls under the <a href="#">product of the farm or garden exclusion</a> and may be produced in Minnesota without a license.</p> <p>However, many states consider processing of garlic as licensable, and the product must be licensed to be sold in the border state. For example, garlic paste (even with no off-farm ingredients) is considered a “processed” product in Wisconsin and requires a food license. You would need to add an “off-farm” ingredient, or something you did not grow yourself, to be eligible for licensing in Minnesota.</p>	<p>A food license is not required to sell garlic paste made from garlic sourced from a producer’s owned or rented land under the <a href="#">product of the farm or garden exclusion</a>. Produce may be processed prior to sale, but no additional off-farm ingredients can be added.</p> <p>However, some states will require that you have a license to do processing, like making garlic into garlic paste, even if no license is required for sales in Minnesota.</p>

Food Product	I produce my products in Minnesota, but want to sell them out-of-state	I want to sell my products in Minnesota, but I produce them out-of-state
<b>Black garlic</b>	<p>Please contact the state where you plan to sell your products. Contacts are listed in the Resources section below.</p> <p>A food license is not required to produce black garlic in Minnesota from garlic sourced from the producer’s owned or rented land under <a href="#">product of the farm or garden exclusion</a>.</p> <p>However, many states consider processing (e.g., fermenting) of home produce as licensable, and the product must be licensed to be sold in the border state. You would need to add an “off-farm” ingredient, or something you did not grow yourself, to be eligible for licensing in Minnesota.</p>	<p>Questions about selling food products in Minnesota can also be directed to the MDA Licensing Liaison at <a href="mailto:mda.licensing@state.mn.us">mda.licensing@state.mn.us</a>.</p> <p>A Minnesota food license is not required to sell black garlic sourced from the producer’s owned or rented land under <a href="#">product of the farm or garden exclusion</a>.</p> <p>Processing of products like black garlic may be considered licensable in states outside of Minnesota. Please check your state’s laws for licensing requirements for processing of produce.</p>
<b>Plain honey</b>	<p>A food license is not required to produce honey in Minnesota under <a href="#">product of the farm or garden exclusion</a> if sourced from the producer’s owned or rented hives.</p> <p>Many states also allow the sale of home-produced honey without a license, but some consider adding air (e.g., “whipped” honey) as processing, which would require licensure. You would need to add an “off-farm” ingredient, or something you did not grow yourself, to be eligible for licensing in Minnesota.</p>	<p>A food license is not required to sell plain honey in Minnesota under <a href="#">product of the farm or garden exclusion</a> if sourced from the producer’s owned or rented hives.</p> <p>If you are adding honey from another producer to your product for sale in Minnesota, that product will require a Minnesota <a href="#">food license</a> or a Minnesota <a href="#">Cottage Food Producer Registration</a> for your location of sale (e.g., a farmers’ market booth) to sell in Minnesota. If you are simply shipping into Minnesota under another state license (direct-to-consumer or wholesale sales), no additional license is required. Note that the product must be produced legally, which may require a license, in the state where you are manufacturing.</p>

Food Product	I produce my products in Minnesota, but want to sell them out-of-state	I want to sell my products in Minnesota, but I produce them out-of-state
<p><b>Plain maple syrup or maple sugar</b></p>	<p>Please contact the state where you plan to sell your products. Contacts are listed in the Resources section below.</p> <p>A food license is not required to produce maple syrup or maple sugar in Minnesota made from sap sourced from the producer’s owned or rented land under <a href="#">product of the farm or garden exclusion</a>.</p> <p>Many states also allow the sale of home-processed maple syrup or maple sugar to be sold without a license. Check with the state where you are selling the product to verify. If you do need a license to produce the product for sales into another state, you would need to add an “off-farm” ingredient (something you did not grow on your owned or rented land) to your syrup to be eligible for licensing in Minnesota.</p>	<p>Questions about selling food products in Minnesota can also be directed to the MDA Licensing Liaison at <a href="mailto:mda.licensing@state.mn.us">mda.licensing@state.mn.us</a>.</p> <p>A food license not required to sell plain maple syrup or maple sugar from your owned or rented land in Minnesota under <a href="#">product of the farm or garden exclusion</a>.</p> <p>If you are adding maple syrup or maple sugar from another producer to your product for sale in Minnesota, that product will require a Minnesota <a href="#">food license</a> or a Minnesota <a href="#">Cottage Food Producer Registration</a> at your location of sale (e.g., a farmers’ market booth) to sell in Minnesota. If you are simply shipping into Minnesota under another state license (direct-to-consumer or wholesale sales), no additional license is required. Note that the product must be produced legally, which may require a license, in the state where you are manufacturing.</p>
<p><b>Flavored honey, flavored maple syrup</b></p>	<p>A Minnesota food license is required if processing flavored honey or flavored maple syrup in Minnesota with the intent to sell in another state. A Minnesota Cottage Food Registration would not meet this requirement as it would not be recognized by other states.</p>	<p>Flavored honey or maple syrup may be excluded from licensing for sale in Minnesota under the <a href="#">product of the farm or garden exclusion</a> if flavorings are sourced from a producer’s owned or rented farm or garden. However, these products must be produced legally in your state, which may require a license for manufacture in that state.</p> <p>If flavorings are off-farm ingredients, the product could be exempt from licensing under the Minnesota <a href="#">Cottage Foods Exemption</a>. However, a Minnesota <a href="#">Cottage Food Producer Registration</a> is required for cottage food sales. A Minnesota <a href="#">food license</a> is required for non-cottage food sales in the state at your location of sale (e.g., a farmers’ market booth). If you are simply shipping into Minnesota under another state license (direct-to-consumer or wholesale sales), no additional license is required.</p>

<b>Food Product</b>	<b>I produce my products in Minnesota, but want to sell them out-of-state</b>  Please contact the state where you plan to sell your products. Contacts are listed in the Resources section below.	<b>I want to sell my products in Minnesota, but I produce them out-of-state</b>  Questions about selling food products in Minnesota can also be directed to the MDA Licensing Liaison at <a href="mailto:mda.licensing@state.mn.us">mda.licensing@state.mn.us</a> .
<b>Apple cider</b>	<p>A food license is not required to produce apple cider from fruit grown on the producer’s owned or rented land under <a href="#">product of the farm or garden exclusion</a>.</p> <p>Some states also allow the sale of home-processed apple cider to be sold without a license, but this should be verified with the state where you are planning to sell the apple cider. Please note that producing apple cider may require licensure in other states, even if ingredients are sourced from the producer’s rented or owned land. In this case, you would need a license in Minnesota to produce your apple cider. You would need to add an “off-farm” ingredient, or something you did not grow yourself, to be eligible for licensing in Minnesota.</p>	<p>A food license is not required in Minnesota to sell apple cider direct-to-consumer from fruit grown on a producer’s rented or owned land under the <a href="#">product of the farm or garden exclusion</a>. Produce (like apples) may be processed prior to sale in Minnesota, but no additional off-farm ingredients can be added. Note that some states (including Wisconsin and North Dakota) require a license in their state for processing of apple cider. Please verify whether a license is required in your state to manufacture cider prior to sale in Minnesota.</p> <p>Wholesaling cider is subject to <a href="#">U.S. Food and Drug Administration (FDA) juice Hazard Analysis and Critical Control Point (HACCP) regulations</a>.</p>
<b>Jam, jelly, or fruit syrup</b>	<p>Home-canned jams or jellies made in Minnesota under Minnesota’s Cottage Food Law may be prohibited for sale in border states. A Minnesota food license may be required if processing in Minnesota with the intent to sell in another state.</p>	<p>Jams, jellies, or fruit syrups must be legally produced in the state where they are being manufactured. Even if the product meets Minnesota Cottage Food Law, the state where it is made may require a license for manufacturing the product.</p> <p>Jam, jelly, or fruit syrup may be sold in Minnesota under Cottage Food Law if the product meets requirements. Registration as a Minnesota cottage food producer is required. If jam or jelly does not meet cottage food requirements, then a license is required at all locations where food is made and sold.</p>

Food Product	I produce my products in Minnesota, but want to sell them out-of-state	I want to sell my products in Minnesota, but I produce them out-of-state
<p><b>Acidified and fermented foods</b> (e.g., canned pickles, relish, salsa, sauerkraut, fruit sauce)</p>	<p>Acidified jarred or canned foods made in Minnesota under Minnesota’s Cottage Food Law cannot cross state lines to be sold. A Minnesota <a href="#">food license</a> is required to make these products for sale out of state. Sellers of acidified jarred or canned foods across state lines must register and file their process with the FDA. Please see the Resources section below for more information.</p>	<p>Acidified jarred or canned foods made outside of Minnesota under another state’s cottage food laws cannot cross into Minnesota for sale. Sellers of acidified jarred or canned foods across state lines must be licensed to produce the product legally in their state and must register and file their process with the FDA.</p> <p>A Minnesota <a href="#">food license</a> is required for food sales in Minnesota at your location of sale (e.g., a farmers’ market booth). If you are simply shipping into Minnesota under another state license (direct-to-consumer or wholesale sales), no additional license is required.</p>
<p><b>Pesto</b> (oil-based paste made with basil, spinach, garlic scapes, etc.)</p>	<p>A Minnesota <a href="#">food license</a> is required to produce pesto for sale. Pesto is considered a potentially hazardous food (PHF) and cannot be made in a home kitchen for sale in many states, including Minnesota. Pesto does not meet requirements for licensing exemptions or exclusions (cottage food, product of the farm or garden) in Minnesota. Additionally, a food license in a bordering state may also be required to sell pesto made under a license in Minnesota.</p>	<p>A Minnesota <a href="#">food license</a> is required at locations where pesto is being sold at retail in Minnesota. The product must be produced legally in the state where it was made. Pesto does not meet requirements for licensing exclusions (cottage food, product of the farm or garden) in Minnesota.</p>

Food Product	I produce my products in Minnesota, but want to sell them out-of-state	I want to sell my products in Minnesota, but I produce them out-of-state
<b>Infused oil</b> (e.g., garlic infused oil, pepper infused oil, etc.)	<p>A Minnesota <a href="#">food license</a> is required to produce infused oils for sale. Similar to pesto (above), infused oils are considered potentially hazardous foods and cannot be made for sale in a home kitchen in Minnesota. Infused oils do not meet requirements for Minnesota licensing exclusions or exemptions (cottage food, product of the farm or garden). An additional license may be required in the state where you sell your product.</p>	<p>A Minnesota <a href="#">food license</a> is required at all locations where infused oils are being sold in Minnesota. The product must be legally produced in the state where it was made. Infused oils do not meet requirements for licensing exclusions or exemptions (cottage food, product of the farm or garden) in Minnesota.</p>
<b>Cottage foods</b> (in general)	<p>Cottage foods made in Minnesota may be prohibited for sale in some states. For example, in Wisconsin, a <a href="#">home baker</a> must have a kitchen in the state of Wisconsin and there is no current method for Minnesota residents working out of their home kitchen to register as cottage food producers in Wisconsin. Similarly, Minnesota cottage foods are not allowed for sale in North Dakota. In such cases, you would need a license to make the products in Minnesota in order to sell across state lines.</p> <p>Please contact the state where you plan to sell your product or check out cottage food laws for that state (see links below in Border State Cottage Food Resources).</p>	<p>Minnesota does not recognize other states' cottage food registrations or permits. A producer may make product in another state to sell in Minnesota if they register as a Minnesota cottage food producer. Products also must be made legally in the producer's state, which may mean applying for a license in that state for production of food, if applicable.</p> <p>Note that acidified jarred or canned foods cannot cross state lines as a cottage food and require a Minnesota license for direct-to-customer retail sale in Minnesota (e.g., at a farmers' market booth). If you are simply shipping into Minnesota under another state license (direct-to-consumer or wholesale sales), no additional license is required. Sellers of acidified jarred or canned foods across state lines must also register with the FDA.</p> <p>There is a gross annual sales cap for cottage foods in Minnesota (\$78,000). A food business exceeding this cap must be licensed. Cottage foods intended for humans cannot be shipped in the mail or delivered via a third-party service. Cottage pet treats can be shipped/delivered. Cottage foods cannot be wholesaled to retailers.</p>



Food Product	I produce my products in Minnesota, but want to sell them out-of-state	I want to sell my products in Minnesota, but I produce them out-of-state
<b>Meat</b>	Meat products must be processed at a U.S. Department of Agriculture (USDA) inspected facility and stored per Minnesota law. Please contact the state where you plan to sell your product for more details about selling in that state.	<p>Questions about selling food products in Minnesota can also be directed to the MDA Licensing Liaison at <a href="mailto:mda.licensing@state.mn.us">mda.licensing@state.mn.us</a>.</p> <p>All meat products must be processed at a state facility participating in the Cooperative Interstate Shipping Program or a federally inspected facility to sell in Minnesota.</p> <p>A license is not required to sell the meat in Minnesota if it contains no off-farm ingredients and therefore falls under the <a href="#">product of the farm or garden exclusion</a>.</p> <p>If the meat includes off-farm ingredients added at the processing facility, such as sausage seasoning, then the person selling the meat at retail in Minnesota must have a Minnesota <a href="#">food license</a>. If you are simply shipping into Minnesota under another state license (direct-to-consumer or wholesale sales), no additional license is required.</p>
<b>Poultry</b>	Poultry products must be processed at a USDA inspected facility and stored per Minnesota law. Poultry businesses selling in border states may be required to obtain a food license in the state where they are selling the product.	<p>All poultry products must be processed at a state facility participating in the Cooperative Interstate Shipping Program or a federally inspected facility to sell in Minnesota.</p> <p>A license is not required to sell poultry in Minnesota if it falls under the <a href="#">product of the farm or garden exclusion</a>.</p>
<b>Eggs</b>	A food license is not required to produce eggs on owned or rented land in Minnesota under the <a href="#">product of the farm or garden exclusion</a> . Please contact the state where you plan to sell your product for more details about selling in that state.	Producers selling eggs from their own farm or garden are generally excluded from licensing in Minnesota. If you plan to sell eggs to food facilities or consumers in Minnesota, it is recommended that you <a href="#">register with the MDA</a> .
<b>Seafood</b>	Seafood products must be processed at a licensed facility, in accordance with FDA requirements, and stored per Minnesota law. Additional licensure may be required in the state where the fish is sold. Please contact the state where you plan to sell your product for more information.	For aquaculture seafood produced on the producer's own or rented land, the product of the farm or garden exclusion from licensing may apply for sales in Minnesota. Contact the MDA Licensing Liaison for more guidance on your operation at <a href="mailto:mda.licensing@state.mn.us">mda.licensing@state.mn.us</a> .

Food Product	I produce my products in Minnesota, but want to sell them out-of-state	I want to sell my products in Minnesota, but I produce them out-of-state
<b>Dairy</b>	<p>Please contact the state where you plan to sell your products. Contacts are listed in the Resources section below.</p> <p>Dairy products must be processed at a permitted (if only the farm's own milk with on-farm processing) or permitted <i>and</i> licensed facility (plant taking in milk from multiple farms for processing) and stored per Minnesota law. Dairy businesses must be listed Interstate Milk Shippers (IMS) to sell Grade A dairy products across state lines.</p> <p>Interstate sales of raw milk are prohibited by the FDA.</p>	<p>Questions about selling food products in Minnesota can also be directed to the MDA Licensing Liaison at <a href="mailto:mda.licensing@state.mn.us">mda.licensing@state.mn.us</a>.</p> <p>Dairy businesses outside of Minnesota are required to obtain a Minnesota food license to sell dairy in the state. Dairy businesses selling Grade A dairy products from outside states in Minnesota are required to pay a Selected Products Fee to the MDA. Dairy businesses must be listed Interstate Milk Shippers (IMS) to sell Grade A dairy products across state lines.</p> <p>Interstate sales of raw milk are prohibited by the FDA.</p>
<b>Pet treats</b>	<p>Pet treats made in Minnesota may require additional licensing if sold in other states. For example, pet treats (even from a personal kitchen at a small scale) must meet the requirements of a commercial feed manufacturer, labeler, and distributor in Wisconsin.</p>	<p>Pet treats must be produced legally in the state where they are made in order to be sold in Minnesota.</p> <p>Cottage pet treats that meet Minnesota Cottage Food Law requirements are exempt from licensing for sale in Minnesota. However, a Minnesota <a href="#">Cottage Food Producer Registration</a> is required for cottage food sales. There is a gross annual sales cap for cottage foods in Minnesota (\$78,000). A pet treat business exceeding this cap must be licensed. Cottage pet treats may be shipped/delivered via the mail or third-party delivery service. Cottage pet treats cannot be wholesaled to retailers.</p> <p>If pet treats do not meet Minnesota licensing exemptions, a commercial feed license and payment of applicable fees (registration or tonnage) is required for sale.</p>

## General Guidance

- **FDA registration:** Foods sold across state borders may require special registration with the FDA. Please see [U. S. Food and Drug Administration \(FDA\) food facility registration](#) for more information about your specific product.
- **Minnesota licensing questions:** Licensing questions for the state of Minnesota can be directed to the MDA Licensing Liaison at [mda.licensing@state.mn.us](mailto:mda.licensing@state.mn.us) or 651-201-6113.

- **Minnesota cottage food:** Minnesota cottage food is [exempt from licensing](#). However, cottage food producers must still register with the MDA. Cottage food FAQs, registration, and other information can be found on [the MDA's cottage food website](#).
- **Minnesota product of the farm or garden:** All products produced under this [licensing exclusion](#) must be sourced from the farmer's own or rented land. Adding or mixing in off-farm ingredients means the product no longer meets product of the farm or garden licensing exclusion. The producer is still responsible for growing and handling their products safely to ensure food is unadulterated.

## Border State Contacts

- **Iowa** – Email: [FCS-Licensing@dia.iowa.gov](mailto:FCS-Licensing@dia.iowa.gov), Phone: 515-725-5342
- **North Dakota** – Email: [foodandlodging@nd.gov](mailto:foodandlodging@nd.gov), Phone: 701-328-1291
- **South Dakota** – Email: [DOH.info@state.sd.us](mailto:DOH.info@state.sd.us), Phone: 605-773-4945
- **Wisconsin** – Email: [datcpdfslicensing@wisconsin.gov](mailto:datcpdfslicensing@wisconsin.gov), Phone: 608-224-4923

## Border State Cottage Food Resources

- Iowa Department of Inspections, Appeals, and Licensing: <https://dial.iowa.gov/licenses/food-hotels/cottage-foods>
- North Dakota Health and Human Services: <https://www.hhs.nd.gov/health/food-and-lodging/cottage-food>
- South Dakota State Extension: <https://extension.sdstate.edu/south-dakota-cottage-home-processing-food-safety>
- Wisconsin Department of Agriculture, Trade, and Consumer Protection: [https://datcp.wi.gov/Pages/Licenses\\_Permits/HomeBakers.aspx](https://datcp.wi.gov/Pages/Licenses_Permits/HomeBakers.aspx)

## Resources

- FDA Food Facility Registration: <https://www.fda.gov/food/guidance-regulation-food-and-dietary-supplements/registration-food-facilities-and-other-submissions>
- Minnesota Commercial Feed and Pet Food: <https://www.mda.state.mn.us/food-feed/commercial-feed-pet-food>
- Minnesota Cottage Food Exemption (State Statute): <https://www.revisor.mn.gov/statutes/cite/28A.152>
- Minnesota Cottage Food Law Guidance FAQs: <https://www.mda.state.mn.us/food-feed/cottage-food-law-guidance>
- Minnesota Cottage Food Registration: <https://www.mda.state.mn.us/food-feed/cottage-food-producer-registration>
- Minnesota Licensing Exclusions (State Statute): <https://www.revisor.mn.gov/statutes/cite/28A.15>
- MDA Food Licenses: <https://www.mda.state.mn.us/food-feed/food-licenses>

In accordance with the Americans with Disabilities Act, this information is available in alternative forms of communication upon request by calling 651-201-6000. TTY users can call the Minnesota Relay Service at 711. The MDA is an equal opportunity employer and provider.