

SELLING MINNESOTA POULTRY PRODUCTS



This fact sheet is for Minnesota farmers who want to sell poultry they raise on their own farm. The fact sheet covers regulations for all of the ways for farmers to sell their poultry to individual consumers or to food facilities in Minnesota.

Definitions

Food facilities: restaurants, caterers, school food service, institutions, day cares, community centers, churches, hospitals, health care facilities, food shelves and food banks, grocery stores, food markets, cooperatives, bakeries, convenience stores, food stands, mobile food units, warehouses, and wholesale food processors and manufacturers.

Minnesota Rules 4626.0020 Subparts 35 and 36, <https://www.revisor.leg.state.mn.us/rules/?id=4626.0020>

MDA: Minnesota Department of Agriculture; <https://www.mda.state.mn.us>

Poultry: “Poultry” means domesticated fowl, including chickens, waterfowl, and game birds, except doves and pigeons, which are bred for the primary purpose of producing eggs or meat.

Minnesota Rules 1520.5200 Subpart 21, <https://www.revisor.leg.state.mn.us/rules/?id=1520.5200>

Product of the farm: Farm products that you grow or raise on land that you “occupy and cultivate.” Land you “occupy and cultivate” includes land you rent or lease, so long as you have control over the production on that land.

Constitution of the State of Minnesota, Article 13, Section 7, https://www.revisor.mn.gov/constitution/#article_13 . Minnesota Statute 28A.15 Subd. 2, <https://www.revisor.leg.state.mn.us/statutes/?id=28A.15>

Sell, sale: “Sell” and “sale” mean keeping, offering, or exposing for sale, use, transporting, transferring, negotiating, soliciting, or exchanging food; having in possession with intent to sell, use, transport, negotiate, solicit, or exchange food; storing, manufacturing, producing, processing, packing, and holding of food for sale; dispensing or giving food; or supplying or applying food in the conduct of any food operation or carrying food in aid of traffic in food whether done or permitted in person or through others.

Minnesota Statute 34A.01 Subd. 12 (<https://www.revisor.mn.gov/statutes/?id=34A.01>)

Types of Sales Locations and Customers

Regulations for sale of your own farm-raised poultry depend mainly on who your customers are, where your sales take place, and how many birds you sell per year.

Two types of locations for sale of poultry:

Your farm premises

Anywhere else

In the context of poultry marketing and sales:

“Farm Premises” refers to your own acreage that you farm. Any booth, stand, or vehicle set up away from your farm acreage is not your farm premises.

Two types of customers:

Individuals: These are consumers who will serve the product to members of their household and/or non-paying guests.

Food Facilities: Any entity receiving your product that is not an individual consumer buying food to serve to their household, is a food facility.

Licensing

Usually, licensing and inspection go together. In the case of product of the farm, you are excluded from the requirement to have a license -- BUT you may still need an inspection of your facilities.

- Product of the farm is excluded

from licensing. If you raise the poultry yourself on land that you control (through ownership or rental or lease agreement), and you add no off-farm ingredients to it, you are not required to have a license in order to sell it. However, inspection may be required in some cases—see Inspection section.

- If off-farm ingredients (salt, spice blends, sauces, etc.) are added to the poultry products, you must have an MDA food handlers license in order to sell it.
- If you buy or obtain poultry from other farmers to sell or offer to customers – even if you are donating your distribution efforts – you must have an MDA food handlers license. Minnesota’s definition of “sell” includes any time a product changes hands in any way.

Call the MDA Dairy & Meat Inspection Program to find your MDA inspector: 651-201-6300

- Some potential buyers may not be aware of what the regulations are for farmers selling poultry, and may just assume that you need a license to sell poultry raised on your farm. You can copy and use this fact sheet to help educate your buyers. Here are two additional fact sheets that you can download from the MDA website and copy to help educate buyers:

Approved Sources of Meat and Poultry for Food Facilities.

Minnesota Department of Agriculture, Minnesota Department of Health, University of Minnesota Extension. <http://www.mda.state.mn.us/licensing/inspections/~/media/Files/food/foodsafety/meatpoultry.ashx>

Sale of Locally Home or Farm Raised Poultry.

Minnesota Department of Agriculture, University of Minnesota Extension. <http://www.mda.state.mn.us/>

[licensing/inspections/~/media/Files/food/foodsafety/poulttrysales.ashx](http://www.mda.state.mn.us/licensing/inspections/~/media/Files/food/foodsafety/poulttrysales.ashx)

- Some food facilities are not comfortable with buying from an unlicensed individual. If you are selling product of your farm that has been processed under inspection, you are excluded from licensing. You can request an inspection and inspection report from the MDA to verify that your operation is approved, and show that report to the buyer

Search the MDA website for fact sheets:

- Go to <http://www.mda.state.mn.us>
- Find the “Search” button in the upper left corner of the web page, right underneath the MDA logo.
- Type a few words of the fact sheet title into the box to the left of the “Search” button.
- Click on the “Search” button.
- The fact sheet you want should be near the top of the list of items

Inspection

Usually, licensing and inspection go together. In the case of product of the farm, you are excluded from the requirement to have a license -- BUT you may still need an inspection of your facilities. Contact the MDA to ask about inspection of your facilities if you want to do any of the following:

- Slaughter and process more than 1,000 birds per year on your farm.
- Slaughter and process any number of birds on your farm, up to 20,000 per year, that you then transport away from the farm premises to sell; for example, at a farmers’ market.

- Get birds processed under inspection at a USDA or Equal-To plant, and then transport and/or hold the birds in cold storage before selling them to customers.

Call the MDA Dairy & Meat Inspection Program to find your MDA inspector: 651-201-6300

Three Types of Poultry Processing Plants

Custom-Exempt

These plants may be routinely inspected by an MDA inspector up to four times per year, but there is no routine inspection of animals at the point of slaughter.

- Poultry must be brought in live to these plants.
- Poultry processed at custom-exempt plants will be marked “Not for Sale” on the packages.

Find custom-exempt processing plants in Minnesota: <http://www.mda.state.mn.us/en/licensing/inspections/meatpoultryegg/custom-meat-processing/customplants.aspx>



Equal-To

These plants are under “continuous” (meaning “daily”) inspection by an MDA inspector.

- Poultry must be brought in live to these plants.
- Poultry brought in for inspected processing are inspected both before slaughter (ante-mortem inspection) and after slaughter (post-mortem inspection).
- Poultry that pass inspection can be

processed for wholesale and retail sale only within Minnesota, and the packages will be marked with an inspection symbol indicating State of Minnesota inspection.

- Many Equal-To plants also offer custom-exempt processing. In that case, the poultry need not be inspected by the MDA inspector assigned to that plant. Packages of poultry will be marked “Not for Sale.”

Find Minnesota Equal-To processing plants: <http://www.mda.state.mn.us/licensing/inspections/meatpoultryegg/state-inspection/equal2plants.aspx>



USDA

These plants are under continuous inspection by a USDA inspector. Other procedures are the same as for Equal-To plants, except that meat packages will be marked with a USDA inspection symbol that includes a letter “P” for poultry, and can be sold either within the state or across state lines.

- USDA defines farm-raised game species as “non-amenable” to inspection. This includes pheasant and other farm-raised game birds. USDA plants will offer inspected slaughter and processing of these animals, but it is a voluntary inspection that the farmer must pay for. The USDA mark of inspection for “non-amenable” species is a triangle rather than a circle.
- Some USDA plants also offer custom-exempt processing. In that case, the poultry need not be inspected by the USDA inspector assigned to that plant. Packages of poultry will be marked “Not for Sale.”



Find USDA processing plants: <http://www.fsis.usda.gov/wps/portal/fsis/topics/inspection/mpi-directory>

Ways to get birds processed to be marketed and sold

Custom-Exempt Processing

- You must sell birds to individuals before the birds are slaughtered. Then have the slaughter and processing done at a custom-exempt processing plant, or at an inspected plant that also offers custom-exempt processing.
- The individual customer owns the live birds before the birds go to the processing plant, and the birds are processed for that individual.
- There is no limit on the number of live birds a farmer can sell per year in this way.
- Farmers can sell live birds in this way only to individuals, not to food facilities. Food facilities cannot buy live birds that will be processed at a custom-exempt plant. Food facilities in Minnesota must only buy poultry that has been processed under inspection at either a Minnesota Equal-To plant or a USDA plant.

Minnesota Statute 31.02A Subd. 5, <https://www.revisor.leg.state.mn.us/statutes/?id=31A.02>

Minnesota Statute 31A.15, <https://www.revisor.leg.state.mn.us/statutes/?id=31A.15>

Inspected Slaughter & Processing

- Have birds slaughtered and processed under inspection at a

USDA-inspected or Minnesota Equal-To inspected processing plant, and then sell the processed birds to any individual or food facility in Minnesota.

- If these birds are product of your farm and no off-farm ingredients are added, you are excluded from the requirement to have an MDA food handlers license.
- If your processor is USDA-inspected, you can also sell to individuals or food facilities in other states.
- If you are storing or transporting the processed birds, you must have an MDA inspection of your cold storage and transport facilities.
- You can request an inspection and inspection report from the MDA to verify to buyers that your operation is approved.
- There is no limit on the number of birds a farmer can sell per year in this way.

Minnesota Statute 31A, <https://www.revisor.leg.state.mn.us/statutes/?id=31A>

Minnesota Statute 28A.15 Subd. 2, <https://www.revisor.leg.state.mn.us/statutes/?id=28A.15>

On-Farm Slaughter and Processing

You can slaughter and process poultry on your farm for sale to individual customers. This is allowed by specific exemptions in USDA poultry regulations and Minnesota statutes. The exemptions have very narrow boundaries. If you change anything about your processing and sales, you may move out of an exemption category. Check with your MDA inspector before making any changes.

Producer/Grower 1,000-bird Per Year Exemption

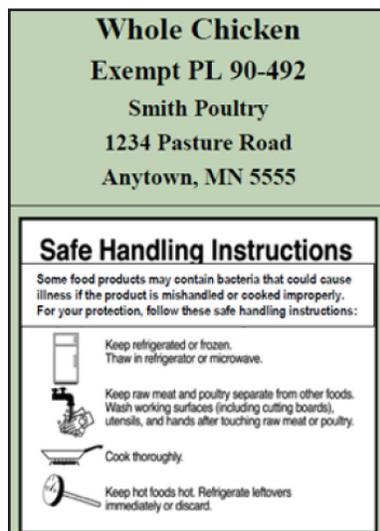
- You can slaughter and process up to 1,000 birds/year on your farm, in sanitary conditions that prevent contamination of the processed poultry.
- This exemption does not require a license, an inspection, or labeling of the processed poultry.
- You can cut up or de-bone the birds as part of your processing.
- Your customers must come to your farm premises to pick up their birds.
- This exemption from licensing and inspection does not allow you to sell poultry at a farmers' market or any other off-farm locations.
- You can sell poultry under this exemption to individuals only, not to food facilities.
- The Minnesota Department of Agriculture still has the right to inspect your farm if they receive a complaint or have reason to believe that you are processing birds in unsanitary conditions.
- The Minnesota Department of Agriculture requests that you register as an exempt poultry producer. There is no fee for this registration. The one-page registration form: <http://www.mda.state.mn.us/~media/Files/licensing/forms/ag02433eggx.pdf>

Producer/Grower-20,000 Bird Exemption

- You can slaughter and process up to 20,000 birds/year on your farm, in sanitary conditions that prevent contamination of the processed poultry.
- This exemption does not require a license, but you must have your

processing set-up inspected and approved by an MDA inspector.

- You can cut up or de-bone birds as part of your processing.
- You must label the processed poultry as “Exempt P.L. 90-492” and include your name and address on the label. You must also include the safe handling statement on the label. See example label:



- If you will hold or transport processed poultry, the MDA must inspect and approve your cold storage and transport facilities.
- You can sell poultry processed and labeled under this exemption at locations away from your farm premises, including farmers' markets.
- You cannot sell, ship, or deliver the processed poultry across state lines.
- You can sell poultry processed under this exemption to individuals only, not to food facilities.
- The Minnesota Department of Agriculture requests that you register as an exempt poultry producer. There is no fee for this registration. The one-page registration form: <http://www.mda.state.mn.us/~media/Files/licensing/forms/ag02433eggx.pdf>

The 1,000-bird exemption and the 20,000-bird exemption are authorized in the Poultry and Poultry Products Inspection Act, United States Code Title 21, Chapter 10, part 464: <https://www.gpo.gov/fdsys/pkg/USCODE-2014-title21/html/USCODE-2014-title21-chap10-sec464.htm>

Further described in the Code of Federal Regulations, Title 9, part 381.10: http://www.ecfr.gov/cgi-bin/text-idx?SID=920305e6ffa00f646d160a9290f5a554&mc=true&node=se9.2.381_110&rgn=div8

Adopted by the State of Minnesota in M.S. 31.101 Subdivision 10, <https://www.revisor.leg.state.mn.us/statutes/?id=31.101>

And limited by the State of Minnesota in M.S. 31A.15 Subdivision 1, <https://www.revisor.leg.state.mn.us/statutes/?id=31A.15>

Inspected On-Farm Processing

If you want to slaughter and process poultry on your farm for sale to food facilities, you will need to construct a USDA or Minnesota Equal-To inspected facility on your farm. Contact the MDA Dairy & Meat Inspection Program for Equal-To plants; or the USDA Food Safety Inspection Service (USDA-FSIS) for USDA plants; to begin the conversation about an on-farm inspected processing plant.

Your Responsibility to Monitor Your Sales

If individual customers are buying poultry from you for their personal and household use, you as the seller bear responsibility to notice if sales seem too large or too frequent to truly represent household use; or if

it appears that a buyer might be re-selling poultry products improperly. It is illegal to participate in the sale of poultry products within Minnesota if those poultry products don't meet Minnesota inspection and licensing requirements. It is illegal to participate in the sale of poultry products across state lines if those poultry products don't meet Minnesota and USDA inspection requirements.

Minnesota Statute 31A.10, Prohibitions. <https://www.revisor.leg.state.mn.us/statutes/?id=31A.10>

United States Code Title 21, Chapter 12, Section 610; Prohibited Acts. <https://www.gpo.gov/fdsys/pkg/USCODE-2011-title21/html/USCODE-2011-title21-chap12-subchapI-sec610.htm>

- You can sell poultry to individuals from other states, have the

meat processed on the farm or as custom-exempt, and have those individuals come pick it up themselves from your farm or the custom-exempt processing plant. Then the buyer is free to take it where they choose, so long as it is solely for their personal and household use and they are not re-selling it.

- You can sell packages of inspected poultry to individuals who come to your farm, farmers' market booth, or other sales venue. It is fine if a customer lives in another state and intends to take the poultry back home with them for their own personal or household use.
- Ask questions if individuals are purchasing farm-processed or custom-exempt poultry in quantities or frequencies that seem impossible for a household to use. Re-selling of farm-processed or

custom-exempt poultry is illegal. If you have reason to believe a customer is re-selling farm-processed or custom-exempt poultry, refuse to sell to that customer and contact your MDA inspector.

- Ask questions if an individual is purchasing large or frequent quantities of packages of inspected poultry. Re-selling of inspected poultry is legal if the seller has the proper MDA food handlers license, but Equal-To inspected poultry cannot be sold across state lines. If you have reason to believe a customer is improperly re-selling inspected poultry without a license, or is selling Equal-To inspected poultry across state lines; refuse to sell to that customer and contact your MDA inspector.

Resources for More Information and Help

Minnesota Department of Agriculture; Meat, Poultry & Egg Inspection. <http://www.mda.state.mn.us/licensing/inspections/meatpoultryegg.aspx>, 651-201-6300. Call this number to request an inspection, obtain contact information for the inspector who serves your area, request copies of forms, or begin a conversation about on-farm processing.

Minnesota Department of Agriculture Website. <http://www.mda.state.mn.us>. All fact sheets and other documents are searchable using titles; see sidebar on page 2 for instructions on searching the site.

Minnesota Farmers Market Association. <http://www.mfma.org>, (320) 250-5087. Contact MFMA for help with any questions relating to sale of poultry at farmers' markets.

Minnesota Institute for Sustainable Agriculture. <http://www.misa.umn.edu>, 612-625-8235, misamail@umn.edu. Contact MISA for help with questions relating to local or regional poultry production, processing, marketing and sales.

University of Minnesota Extension; Alternative Livestock Systems. <http://www.extension.umn.edu/food/small-farms/livestock/poultry/>. Contact Wayne Martin (612-625-6224, marti067@umn.edu) with questions about production and marketing of poultry.

USDA-FSIS District Office in Des Moines, IA: 515-727-8960 or 1-800-990-9834. Call this office to begin a conversation about constructing an on-farm USDA-inspected processing plant.

Minnesota Local Foods Advisory Committee

This fact sheet was created with input and oversight from the Local Food Advisory Committee (LFAC). LFAC is a forum where issues relating to local food are raised and discussed, information is shared and problem-solving between Minnesota Department of Agriculture, Minnesota Department of Health, and the local food community takes place. Contact: misamail@umn.edu, 612-625-8235. <https://www.misa.umn.edu/resources/local-food-advisory-committee>

Summary Table of Poultry Slaughter and Processing Scenarios

	Custom-exempt processing of birds sold live	Inspected processing + storage/ transport; no off-farm ingredients	Inspected processing + storage/ transport; off-farm ingredients added	On-farm processing; 1,000-bird Producer/ Grower exemption	On-farm processing; 20,000-bird Producer/ Grower exemption
License	NO	NO	YES	NO	NO
Inspection	NO	YES	YES	NO	YES
Register	NO	NO	NO	YES	YES
Sell at farmers' market or community event	NO	YES	YES	NO	YES
Sell via Internet	<i>Orders may be taken over the Internet but delivery or customer pick-up of birds must be in accordance with the regulations for the type of processing.</i>				
Sell from farm premises	NO	YES	YES	YES	YES
Sell to restaurants	NO	YES	YES	NO	NO
Sell to grocery stores	NO	YES	YES	NO	NO
Sell to other than end consumer	NO	YES	YES	NO	NO
Donate	NO	YES	YES	NO	NO
Sell across state lines	NO (but out-of-state customer can pick up from processor)	YES **ONLY IF USDA processing	YES**ONLY IF USDA processing	NO (but out-of-state customer can pick up at farm & transport)	NO (but out-of-state customer can purchase & transport)
Label required	marked "Not for Sale"	YES	YES	NO	YES
Package	YES	YES	YES	YES	YES
Charge sales tax	NO	NO	NO	NO	NO
Sampling & demo	NO	<i>YES. See the sampling exemption, M.S. 28A.151. https://www.revisor.leg.state.mn.us/statutes/?id=28A.151 You must have an adequate system for cooking and sanitation in order to protect public health.</i>			
MDA jurisdiction	YES	YES	YES	YES	YES

Wholesale Produce Dealer License

The Wholesale Produce Dealer license is handled by the Minnesota Department of Agriculture, but is a separate license from the food handler licenses. Wholesale Produce Dealer licenses provide protection to farmers in the event they go unpaid for their produce.

M.S. 27. Wholesale Produce Dealers. <https://www.revisor.leg.state.mn.us/statutes/?id=27.01>

“Produce” in the context of a Wholesale Produce Dealer license means fresh fruits and vegetables, milk, cream, perishable products made with milk or cream, poultry, and poultry products including eggs.

Certain businesses dealing with local food may need **both** a food handler license and a Wholesale Produce Dealer license.

- Generally, wholesale businesses that buy produce directly from farmers and re-sell it, or that distribute farmers’ produce for a fee or commission, need a Wholesale Produce Dealer license if they handle more than \$1,000 per month of farmers’ produce.
- Retail grocery stores that buy produce directly from farmers and re-sell it need a Wholesale Produce Dealer license if they purchase more than \$500 per month of farmers’ produce.

Multi-farm CSAs, farmers’ collaborative marketing arrangements, and farmers’ markets that distribute produce are generally not required to have a Wholesale Produce Dealer license if no commission or handling fees are charged for the distribution services. These types of arrangements are viewed by the Wholesale Produce Dealer licensing unit as partnership agreements rather than sales.

However, the MDA’s Food & Feed licensing unit defines a “sale” more broadly as any time a food item changes hands, or is stored or transported as part of the process of it changing hands, whether money is exchanged or not. This means a multi-farm collaborative marketing arrangement may still need a food handler license, even if it does not need a Wholesale Produce Dealer license.

If you might need a Wholesale Produce Dealer license, contact MDA Wholesale Produce Dealers Licensing: 651-201-6620

<https://www.mda.state.mn.us/licensing/licensetypes/wholproddealer.aspx>

Summary of differences between food handler licenses and Wholesale Produce Dealer licenses:

Type of license	Purpose of license	Meaning of "Produce"	Meaning of "Sale"
Wholesale Produce Dealer	Protect commerce: Ensure that farmers are protected in the event of non-payment for their produce.	"Produce" is defined in M.S. 27.01 Subdivision 2* as: (1) perishable fresh fruits and vegetables; (2) milk and cream and products manufactured from milk and cream; and (3) poultry and poultry products.	A sale is when money is exchanged. A Wholesale Produce Dealer license is not required for collaborative marketing agreements in which distribution of products is done by an entity that doesn't charge a fee for the service.
Food handler	Protect food safety: Ensure that persons selling food are operating with approved facilities and according to safe food handling practices.	"Produce" refers to fruits, vegetables, edible mushrooms, herbs, and nuts. §	A "sale," according to the definition in M.S. 34.01 Subdivision 12 ‡: "... keeping, offering, or exposing for sale, use, transporting, transferring, negotiating, soliciting, or exchanging food; having in possession with intent to sell, use, transport, negotiate, solicit, or exchange food; storing, manufacturing, producing, processing, packing, and holding of food for sale; dispensing or giving food; or supplying or applying food in the conduct of any food operation or carrying food in aid of traffic in food whether done or permitted in person or through others."
<p>* Minnesota Statute 27.01 Subd. 2. https://www.revisor.leg.state.mn.us/statutes/?id=27.01 ‡ Minnesota Statute 34A.01 Subd. 12 https://www.revisor.mn.gov/statutes/?id=34A.01 § Food Safety Modernization Act – Produce Safety Rule, 21 Code of Federal Regulations 112. https://www.federalregister.gov/documents/2015/11/27/2015-28159/standards-for-the-growing-harvesting-packing-and-holding-of-produce-for-human-consumption#p-2070</p>			