Selling Your Poultry to Customers

MDA = Minnesota Department of Agriculture

Poultry = Domesticated fowl; including chickens, turkeys, ducks, geese, pheasant, partridge, quail, grouse, and guineas (but not doves or pigeons); that are bred for the purpose of producing eggs or meat.

**There are two classes of customers:**

1. Individuals. These are consumers who will serve the product to members of their household and/or non-paying guests.
2. Food Facilities. Any entity receiving your product that is not an individual consumer buying food to serve to their household, is a food facility.
Food facilities include: 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.

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

**Licensing:**

* *Product of the farm* is exempt 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.
(Minnesota Statute 28A.15 Subd. 2; <https://www.revisor.mn.gov/statutes/?id=28A.15>)
* If you add off-farm ingredients (salt, spice blends, sauces, etc.) to the poultry products, you must have a food handler’s license in order to sell it.
* If you take (or buy) poultry from other farmers to offer (for sale and sell) to customers – even if you are donating your distribution efforts – you must have a license. Minnesota’s definition of “sell” includes any time a product changes hands in any way:

Minnesota Statute 34A.01 Subd. 12 (<https://www.revisor.mn.gov/statutes/?id=34A.01>):
***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.*
* Some food facilities are not comfortable with buying from an unlicensed individual. If you are not required to have a license but feel that a license would be helpful for your marketing, the MDA is willing to issue voluntary food handler licenses under the same payment and inspection terms as a required license. However, licensing as a food handler will require you to get birds processed at an inspected processing plant. You will not be able to hold a license for sale of poultry processed on your farm, unless you build an inspected processing plant on your farm.
* 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 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/poultrysales.ashx>

 **Inspection:**

Usually, licensing and inspection go together. In the case of *product of the farm*, you are not required 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:

1. Slaughter and process more than 1000 birds/year on your farm.
2. Slaughter and process birds on your farm that you then take off the farm premises to sell; for example, at a farmers’ market.
3. Get birds processed under inspection at a USDA or Equal-To plant, and then hold the birds in cold storage before selling them to customers.

Find your MDA inspector: <http://gis.mda.state.mn.us/food/>

**Ways to get birds processed (to be marketed) and sold:**

1. Custom-Exempt Processing.
* You can pre-sell birds to individuals before the birds are slaughtered, and 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 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 birds a farmer can sell per year in this way.
* Farmers can sell birds in this way only to individuals, not to food facilities. (Reword this or strike it out. A farmer can only take custom slaughtered and processed poultry for “personal use only”) (The custom processor is the only one who can take the custom exemption in this case.) A famer must either slaughter and process their own birds on the farm for selling or have their birds slaughtered and processed under federal or state of MN inspection.)

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

1. Inspected Slaughter & Processing.
* You can 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 anyone.
* If these birds are product of your farm and no off-farm ingredients are added, you are not required to have a license.
* There is no limit on the number of birds a farmer can sell per year in this way.
* You can sell in this way to individuals or to food facilities within Minnesota.
* 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 need to have an MDA inspection of your cold storage and transport facilities.
* You can request a voluntary food handler’s license from the MDA if your buyers require that you have a license.

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

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

1. On-Farm Slaughter & Processing.

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

1. Producer/Grower-1,000 Bird Exemption.

	* You can slaughter and process up to 1,000 birds/year on your farm, in sanitary conditions, with no inspection required; as long as your customers come to your farm premises to pick up their birds.
	* Producer/Grower prohibited to deliver the product across states lines
	* You can cut up or de-bone the birds as part of your processing.
	* This exemption from licensing and inspection does \*not\* allow you to sell poultry at the farmers’ market or other off-farm locations. All sales must be from your farm premises.
	* You can sell poultry 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:
	<https://www.mda.state.mn.us/~/media/Files/licensing/forms/ag02433egg.ashx>
2. Producer/Grower-20,000 Bird Exemption.

	* You can slaughter and process up to 20,000 birds/year on your farm, IF you have your processing set-up inspected and approved by a Minnesota Department of Agriculture inspector.
	* Producer/Grower prohibited to deliver the product across states lines
	* You can cut up or de-bone birds as part of your processing.
	* Under this exemption, you must label the butchered birds as “Exempt P.L. 90-492” and include your name and address on the label. (Maybe include a generic copy of the labeling under PL 90-492 exemption along with the safe handling statement for Pl exemption.)
	* You can take the birds to farmers’ markets or other locations away from your farm to sell to individual customers, if the MDA inspects and approves your cold storage and transport facilities.
	* You can sell poultry 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:
	<https://www.mda.state.mn.us/~/media/Files/licensing/forms/ag02433egg.ashx>
3. Other exemptions for on-farm processing: Yes. There are other exemptions to the Federal poultry regulations that could potentially allow you to process birds on your farm and sell them to food facilities. The interpretations of these get more complex, and the facilities requirements are stricter. If you want to do on-farm processing of poultry for sale to food facilities, contact your local MDA inspector for more information.

Find your inspector: <http://gis.mda.state.mn.us/food/>

**Summary Table:**

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|  | **Slaughter & Processing Scenario** |
|  | **Custom-exempt processing of pre-sold birds** | **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/Growerexemption** |
| 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 | *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.* |
| 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 |
| 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 the farm & transport) | NO (but out-of-state customer can purchase & transport) |
| Label | NO | YES | YES | NO | YES |
| Package | YES | YES | YES | YES | YES |
| Charge sales tax | NO | NO | NO | NO | NO |
| Sampling & demo | *No. Poultry, as an animal-derived product, is considered “potentially hazardous” and thus does not fall under the sampling exemption, M.S. 28A.151* |
| MDA jurisdiction | YES | YES | YES | YES | YES |
| Donate | NO | YES | YES | NO | NO |