Selling Your Meat to Customers

MDA = Minnesota Department of Agriculture

Meat = Tissue from animals other than poultry. In Minnesota, this includes domesticated livestock such as cattle, sheep, swine, goat, ostrich, emu, and rhea; and also farm-raised game species such as bison, elk, deer, water buffalo, antelope, and rabbit.

Wild game = Animals shot or trapped in the wild; not farm-raised. These animals or parts from them cannot legally be sold as food in Minnesota.

**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 in 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 meats depend mainly on who your customers are.

**There are three types of meat processing plants:**

1. Custom-Exempt. These plants get inspected by an MDA inspector four times per year, but there is no routine inspection of animals at the point of slaughter.
	1. Some Custom-Exempt plants have a kill floor, so that animals may be brought in live to the plant. Some Custom-Exempt plants do not have a kill floor.
	2. Animals can be killed, skinned, and eviscerated on-farm and brought in to Custom-Exempt plants for processing – whether or not the plant has a kill floor. Carcasses must be clean and free of hide, dirt, manure, hair, etc., for acceptance at a custom plant.
	3. Packages of meat processed at Custom-Exempt plants will be marked “Not for Sale.”
2. Equal-To. These plants are under “continuous” (meaning “daily”) inspection by an MDA inspector.
	1. Animals must be brought in live to these plants. The only exception is for dangerous, un-transportable animals such as some bison or beef bulls. In that case, an MDA inspector may conduct a pre-slaughter inspection on the farm. Then the animal must be killed and bled out on the farm and then immediately transported whole to the Equal-To plant.
	2. Animals brought in for inspected processing are inspected both before slaughter (ante-mortem inspection) and after slaughter (post-mortem inspection).
	3. Animals 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.
	4. Many Equal-To plants also offer custom-exempt processing. In that case, the animal need not be inspected by the MDA inspector assigned to that plant. Packages of meat will be marked “Not for Sale.”
3. 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 and can be sold either within the state or across state lines.
* USDA defines farm-raised game species as “non-amenable” to inspection. 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 animal need not be inspected by the USDA inspector assigned to that plant. Packages of meat will be marked “Not for Sale.”

**Licensing:**

* *Product of the farm* is exempt from licensing. If you raise the animals yourself on land that you control (through ownership or rental or lease agreement), and no off-farm ingredients are added to the meat, 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 off-farm ingredients (salt, cure, spice blends, sauces, etc.) are added to the meat products, you must have a food handler’s license in order to sell it.
* If you buy or obtain meat products from other farmers to sell or offer 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 meat 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.
* Some potential buyers may not be aware of what the regulations are for farmers selling meat, and may just assume that you need a license to sell meat from your farm. You can copy and use this fact sheet to help educate your buyers. Here is another fact sheet 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>

 **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. Store meat for sale in freezers on your farm.
2. Transport meat in freezers or refrigerators for sale at farmers’ markets or to restaurants, grocery stores, or other buyers.

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

**Ways to get meat animals processed to be marketed and sold:**

1. Custom-Exempt Processing.
* You can pre-sell animals to individuals before the animals are slaughtered, and then have the processing done at either a custom-exempt processing plant or at an inspected plant that offers the option of custom-exempt processing.
* Typically pre-selling of animals is done with quarters, halves, or whole animals; but other quantities are possible. The main thing is that you must have a way to track and verify that the entire animal is sold before it goes to slaughter.
* The individual customer owns their portion of the animal before the animal goes to the processing plant, and their portion is processed for that individual.
* There is no limit on the number of animals a farmer can sell per year in this way.
* Farmers can sell animals in this way only to individuals, not to food facilities.
* The direct relationship between farmer and customer substitutes for the official inspection of the animal at the time of slaughter. Your customer has the right to visit your farm and select their own animal, although they are not required to do this if they choose not to. There is a form available to ensure that customers understand their rights in selection of the animal:

http://misadocuments.info/Custom\_Processed\_Meat\_Sales\_Sample\_Form.docx

This is not a required form. You can choose different means to communicate with your customers.

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 animals slaughtered and processed under inspection at a USDA-inspected or Minnesota Equal-To inspected processing plant, and then sell the processed meat to anyone, including food facilities.
* If these animals are product of your farm and no off-farm ingredients are added, you are not required to have a license.
* If off-farm ingredients are added; for example, spice blends to sausage or jerky; then you must have a food handler’s license in order to sell the product.
* You can sell meat processed under inspection at Equal-To plants to individuals or to food facilities within Minnesota.
* If your meat is processed at a USDA-inspected plant, you can also ship it across state lines to sell to individuals or food facilities in other states.
* If you are storing and/or transporting the processed meat, 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 you are not required under law to have one, but your buyers want to see a license.
* There is no limit to the amount of meat or the number of animals that you can sell per year in this way.

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>

**Your Responsibility to Monitor Your Sales**

If individual customers are buying meat from you for their personal and household use, you as the seller bear some 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 meat improperly.

* You can pre-sell quarters and halves of animals to individuals from other states, have the meat processed as custom-exempt, and have those individuals come pick it up from the 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 meat 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 meat back home with them for their own personal or household use.
* Ask questions if individuals are purchasing custom-exempt meat in quantities or frequencies that seem impossible for a household to use. Re-selling of custom-exempt meat is illegal. If you have reason to believe a customer is re-selling custom-exempt meat, you can 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 meat. Re-selling of inspected meat is legal if the seller has the proper food handler’s license, but Equal-To inspected meat cannot be sold across state lines. If you have reason to believe that a customer is improperly re-selling inspected meat without a license, or is selling Equal-To inspected meat across state lines, you can refuse to sell to that customer and contact your MDA inspector.

**Amenable and Non-Amenable Species**

The USDA defines animals that have historically been wild game animals as “non-amenable,” which means they are not subject to the USDA-enforced federal regulations on meat. “Non-amenable” species include bison, elk, deer, water buffalo, antelope, guinea pig, and rabbit. The cut-up parts of these species are not technically considered “meat” by the USDA. They are considered “animal tissue,” and are subject to regulation by the FDA rather than the USDA.

States can have stricter regulations than USDA if they choose. Minnesota recognizes that many of these historically wild species are now raised on farms, and Minnesota law specifies that farm-raised game animals are “amenable” to Minnesota regulations on meat. That means that Minnesota has the same inspection requirements for farm-raised bison, elk, deer, etc. as it does for farm-raised beef, pork, and lamb. In Minnesota, beef is “meat” and bison is also “meat.”

All of these species can be sold to individuals with custom-exempt processing.

For sale of packages of meat, farmers can use Minnesota Equal-To plants to get inspected slaughter and processing of the farm-raised game species. Packages of meat from animals that pass inspection will be marked with the same State of Minnesota inspection symbol that is used on packages of meat from domestic livestock species. At this time, Minnesota does not charge to slaughter non-amenable species. However, additional charges may apply from the slaughter facility, including but not limited to fees for longer plant work-days for the addition of non-amenable animals, or extra processing steps needed to produce clean carcasses (for example, more time trimming bison carcasses due to bison’s long hair). Also, if an Equal-To plant deals with a situation of on-farm slaughter for an animal that is too dangerous to transport, then there needs to be an on-farm, pre-slaughter inspection of the animal and there may be an extra charge for that.

Farmers can also choose to get their “non-amenable” species processed at USDA plants. The USDA calls this “voluntary inspection” because federal law does not require it. Farmers pay an inspection fee for voluntary inspection of non-amenable species at USDA plants. Packages of animal tissue from non-amenable species processed at USDA plants are marked with the voluntary inspection symbol, which is shaped like a triangle.

 **Selling across state lines**

You, the farmer, can only ship or transport meat across state lines if it has the proper inspection. For “amenable” meats, this must be USDA inspection. For parts of what the USDA calls “non-amenable” animals, there may be other options depending on the state you want to ship or transport into.

* Some states do not require inspection of non-amenable species. In that case, you could ship Minnesota Equal-To inspected parts or USDA-inspected parts from Minnesota into that state.
	+ Note: You cannot ship non-amenable parts that were not processed under inspection out of Minnesota. That is because in Minnesota law, these species are defined as “amenable” and require inspection if parts will be sold. Even if the other state would accept uninspected parts, Minnesota’s laws will not allow the uninspected processing to happen in Minnesota.
* Some states may accept the Equal-To inspection of another state for non-amenable species. Note that this would only apply to species deemed “non-amenable” by both the USDA and that other state.

Here is what the USDA’s Food Safety and Inspection Service (FSIS) says about cross-border shipping of “non-amenable” products (http://askfsis.custhelp.com/app/answers/detail/a\_id/1446/~/state-inspected-non-amenable-species-crossing-state-lines):

ASKFSIS

Question: Can State-inspected products that are not amenable to the Federal Meat Inspection Act (FMIA) or the Poultry Product Inspection Act (PPIA) be transported in interstate commerce?

Answer: Perhaps, if in compliance with FDA and State laws and requirements. Food products from non-amenable species (e.g., bison, quail) fall under the jurisdiction of the Food and Drug Administration (FDA). FDA-regulated products may move in interstate commerce in accordance with FDA regulations. States can require that non-amenable species receive State inspection. However, State or voluntary FSIS inspection does not alter the species amenability as it relates to the FMIA, PPIA or FSIS regulations. Thus, interstate movement of State-inspected or voluntary FSIS-inspected non-amenable product will be dictated by FDA and State laws and requirements.

FDA's Center for Food Safety and Applied Nutrition (CFSAN) would be the agency that regulates food from non-amenable species, and its website provides contact information for phone or e-mail. The CFSAN website is at:<http://www.fda.gov/Food/default.htm>

**Summary Table:**

|  |  |  |  |
| --- | --- | --- | --- |
|  | **Custom-exempt processing of pre-sold animals** | **Inspected processing + storage/transport; NO off-farm ingredients added** | **Inspected processing + storage/transport; off-farm ingredients added** |
| License | NO | NO | YES |
| Inspection | NO | YES | YES |
| Sell at farmers’ market or community event | NO | YES | YES |
| Sell via Internet | *Orders may be taken over the Internet but delivery or customer pick-up must be in accordance with the regulations for the type of processing.* |
| Sell from farm premises | NO | YES | YES |
| Sell to restaurants | NO | YES | YES |
| Sell to grocery stores | NO | YES | YES |
| Sell to other than end consumer | NO | YES | YES |
| Donate | NO | YES | YES |
| Ship across state lines | NO (but out-of-state customer can pick up from processor) | YES IF USDA processing(possible exception for non-amenable species) | YES IF USDA processing(possible exception for non-amenable species) |
| Label | NO | YES | YES |
| Package | YES | YES | YES |
| Charge sales tax | NO | NO | NO |
| Sampling & demo | *No. Meat, 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 |