

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, distributors, aggregators, and wholesale food processors and manufacturers. Minnesota Rules 4626.0020 Subparts 35 and 36, www.revisor.mn.gov/rules/4626.0020

MDA: Minnesota Department of Agriculture; 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, www.revisor.mn.gov/rules/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,
www.revisor.mn.gov/constitution/#article_13

Minnesota Statute 28A.15 Subd. 2, www.revisor.mn.gov/statutes/cite/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, www.revisor.mn.gov/statutes/cite/34A.01

Types of Sales Locations and Customers

Regulations for sale of your own farm-raised poultry depend mainly on the following factors: 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

Two types of customers:

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

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.

Food Facilities: (See definition, above)

Licensing & Inspection

- As a poultry producer, you are excluded from the requirement to have a license to sell the products of your farm. 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.
- If off-farm ingredients (salt, spice blends, sauces, etc.) are added to the poultry products, or if you are doing special processes like smoking or cooking, then you must have a MDA food handler 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 handler license.

Minnesota's definition of "sell" includes any time a product changes hands in any way.

- You can call the MDA "Starting a Food Business" phone line for more information on the different types of food handler licenses: 651-201-6081. If you plan to start a poultry processing business, contact the Dairy & Meat Inspection Program at 651-201-6300.
- Some potential buyers may not be aware of what the regulations are for farmers selling poultry and may just assume you need a license to sell poultry raised on your farm. In particular, food facilities may be wary of buying from an unlicensed individual. However, if you have product of your farm that has been processed under inspection at a licensed processing facility, that product of the farm is excluded from licensing and you can legally sell that product to food facilities without a license.
- You can copy and use this fact sheet to help educate your buyers. Additional information for potential buyers about approved sources of meat and poultry for food facilities can be found on the MDA website:
www.mda.state.mn.us/food-feed/sale-meat-poultry-products-grocery-stores-restaurants
- In most cases, a producer processing and selling their own poultry directly to individual consumers, under the product of the farm exclusion from licensing, will not need to have their farm or property inspected. On-farm processing facilities and procedures are subject to MDA inspection if MDA receives product quality or food safety complaints.
- If you are bringing your birds to a processing facility, that facility must be licensed, permitted, and inspected. The different types of processing operations are described in the next section.

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 inspector present on a regular basis and 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.
- Custom processing is processing done as a service to the owner of the animal. Meat and

poultry products that are processed at a custom exempt facility may not be sold or donated – they must be returned to the owner of the animal, who may **not** then sell or donate the processed products

Find custom-exempt processing plants in Minnesota:

www.mda.state.mn.us/custom-exempt-meat-poultry-processing-plants-minnesota

Equal-To

These plants are under “continuous” inspection, meaning an MDA inspector is present every day to observe animals before and after slaughter, and conducts daily inspection of processing operations.

- 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 processed under custom exemption will be marked “Not for Sale” and must be returned to the owner of the animal who must not then sell or donate the processed products.



Find Minnesota Equal-To processing plants:

www.mda.state.mn.us/minnesota-state-equal-plants

USDA

These plants are under continuous inspection by a USDA inspector. Other procedures are the same as for Equal-To plants, except that 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 may 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 processed under custom exemption will be marked “Not for Sale,” and must be returned to the owner of the animal who must not then re-sell or donate the processed products.



Find USDA processing plants:

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 either at a Minnesota Equal-To plant or a USDA plant.

Minnesota Statute 31.02A Subd. 5, www.revisor.mn.gov/statutes/cite/31A.02

Minnesota Statute 31A.15, www.revisor.mn.gov/statutes/cite/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 handler 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 products, best practice is to follow the applicable segments of General Food Rules, Minnesota Rules chapter 1550: Delivery of Food (MN Rules 1550.0930 – 1550.0970); and Sanitary Requirements of Cold Storage Warehouses (MN Rules 1550.2210) www.revisor.mn.gov/rules/1550/; as well as Meat

and Meat Products: Transportation of Meat (MN Rules 1545.0145 – 1545.0190)
www.revisor.mn.gov/rules/1545/

- There is no limit on the number of birds a farmer can sell per year in this way.

Minnesota Statute 31A, www.revisor.mn.gov/statutes/cite/31A

Minnesota Statute 28A.15 Subd. 2, www.revisor.mn.gov/statutes/cite/28A.15

Minnesota Rules 1550, www.revisor.mn.gov/rules/1550/

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. Contact the MDA Dairy and Meat Inspection Division at 651-201-6300 before making any changes.

Producer/Grower 1,000- bird Per Year Exemption

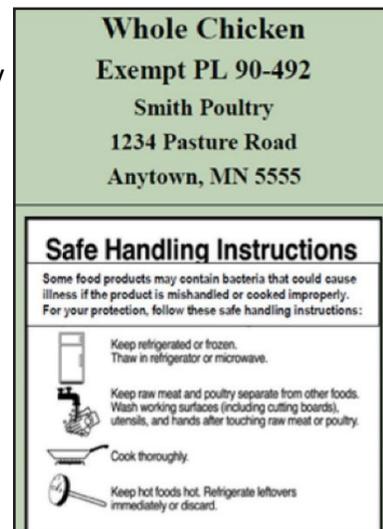
- You can slaughter and process up to 1,000 birds/year on your farm, in sanitary conditions that prevent contamination of the processed poultry. There are no specific facilities requirements for processing under this 1,000-bird exemption; you can do outdoor slaughter and processing.
- This exemption does not require a license, an inspection, or labeling of the processed poultry; however, labeling is recommended.
- You can cut up or de-bone the birds as part of your processing.
- You can package cut-up pieces in any configuration; for instance, 6 wings per package or 4 drumsticks per package.
- You cannot smoke, cook, add any ingredients, or do any other processing than cutting or de-boning.
- Your customers must come to your farm premises to pick up their birds. Open-air processing 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 individual household consumers only, not to food facilities.
- If you are storing the processed products, best practice is to follow General Food Rules, Minnesota Rules chapter 1550: Sanitary Requirements of Cold Storage Warehouses (MN Rules 1550.2210), www.revisor.mn.gov/rules/1550/.

- The Minnesota Department of Agriculture has the right to inspect your farm if they receive a complaint or have reason to believe you are processing or holding 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 registration form:

www.mda.state.mn.us/sites/default/files/docs/2021-03/AG04015-Registration-for-Selling-Poultry-and-Rabbits-in-Minnesota-3.21.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 requires a facility that meets the sanitation and employee hygiene requirements in the Code of Federal Regulations, Title 9, sections 416.2 – 416.5. (You may see this written as 9 CFR 416.2-416.5.) www.law.cornell.edu/cfr/text/9/part-416
- This exemption does not require a license or inspection before you begin operation, but your facility and processes are subject to inspection by MDA at any time.
- You can cut up or de-bone birds as part of your processing.
- You can package cut-up pieces in any configuration; for instance, 6 wings per package or 4 drumsticks per package.
- You cannot smoke, cook, add any ingredients, or do any other processing than cutting or de-boning.
- You must label the processed poultry packages 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 are storing or transporting the processed products, best practice is to follow the applicable segments of General Food Rules, Minnesota Rules chapter 1550: Delivery of Food (MN Rules 1550.0930 – 1550.0970); and Sanitary Requirements of Cold Storage Warehouses (MN Rules 1550.2210) www.revisor.mn.gov/rules/1550/; ; as well as Meat and Meat Products: Transportation of Meat (MN Rules 1545.0145 – 1545.0190) www.revisor.mn.gov/rules/1545/
- 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 Exempt P.L. processed poultry across state lines.
- You can sell poultry processed under this exemption to individual household consumers 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 registration form:

www.mda.state.mn.us/sites/default/files/docs/2021-03/AG04015-Registration-for-Selling-Poultry-and-Rabbits-in-Minnesota-3.21.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:
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:
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,
www.revisor.mn.gov/statutes/cite/31.101

And limited by the State of Minnesota in M.S. 31A.15 Subdivision 1,
www.revisor.mn.gov/statutes/cite/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. (See Resources section for contact information for MDA and USDA.)

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 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. www.revisor.mn.gov/statutes/cite/31A.10

United States Code Title 21, Chapter 12, Section 610; Prohibited Acts.

www.gpo.gov/fdsys/pkg/USCODE-2011-title21/html/USCODE-2011-title21-chap12-subchapl-sec610.htm

- You can sell live birds to individuals from other states, have the birds processed as custom-exempt, and have those individuals come pick it up themselves from 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 packaged poultry processed on your farm to individuals from other states. 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 poultry or live poultry for custom exempt processing in quantities or frequencies that seem impossible for a household to use. Selling of farm-processed poultry by anyone other than the farmer is illegal. Sale of custom-exempt processed poultry is illegal. If you have reason to believe a customer is selling farm-processed poultry they purchased from you; or is selling poultry after having it processed under custom exemption; refuse to sell to that customer and contact your MDA inspector. Remember, a donation is also considered a "sale" under Minnesota law.
- Ask questions if an individual is purchasing large or frequent quantities of packages of inspected poultry. Selling of inspected poultry is legal if the seller has the proper MDA food handler 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.

Amenable and Non-Amenable Species

The USDA defines birds that have historically been wild game birds as "non-amenable," which means they are not subject to the USDA-enforced federal regulations on poultry. "Non-amenable" species as defined by USDA include pheasant and quail. The cut-up parts of these

species are not technically considered “poultry” by the USDA. They are considered “animal tissue,” and are subject to regulation by the Food and Drug Administration (FDA) rather than 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 birds are “poultry” and are “amenable” to Minnesota regulations on poultry. That means that Minnesota has the same inspection requirements for farm-raised pheasant and quail as it does for farm-raised chicken and turkey. In Minnesota, chicken is “poultry” and pheasant is also “poultry.”

- All of these species can be sold as live birds to individuals for custom-exempt processing.
- For sale of packages of poultry, farmers can use Minnesota Equal-To plants to get inspected slaughter and processing of farm-raised game species. Packages of poultry from game birds that pass inspection will be marked with the same State of Minnesota inspection symbol that is used on packages of poultry from domestic poultry species. At this time, Minnesota does not charge a fee for inspection of species defined as non-amenable by USDA. 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 species, or extra processing steps needed to produce clean carcasses (for example, more time removing pinfeathers from a quail carcass).
- Farmers can choose to get their “non-amenable” game bird 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 has a triangle shape.



Selling across state lines

You, the farmer, can only ship or transport poultry across state lines if it has the proper inspection. For “amenable” birds, this must be USDA inspection. For parts of what the USDA calls “non-amenable” game birds, 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.

- o You cannot ship non-amenable animal parts that were not processed under inspection out of Minnesota. That is because under 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. This would only apply to species deemed "non-amenable" by both the USDA and that other state. See the segment below titled Cross-Border Shipping of "Non-Amenable" Animal Tissue.

Cross-Border Shipping of "Non-Amenable" Animal Tissue

Here is what the USDA's Food Safety and Inspection Service (FSIS) says about cross-border shipping of "non-amenable" products
(askfsis.custhelp.com/app/answers/detail/a_id/1446/~state-inspected-non-amenable-species-crossing-state-lines) [accessed 02/08/2019]

ASK FSIS

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) is 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: www.fda.gov/about-fda/fda-organization/center-food-safety-and-applied-nutrition-cfsan]

Resources for More Information and Help

Minnesota Department of Agriculture; Meat, Poultry & Egg Inspection.

www.mda.state.mn.us/food-feed/meat-poultry-and-egg-inspection , 651-201-6300. Call this number for more information about poultry processing requirements, or to request copies of the poultry registration form.

Minnesota Department of Agriculture Website. 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. www.mfma.org , (507) 664-9446. Contact MFMA for help with any questions relating to sale of poultry at farmers' markets.

Minnesota Institute for Sustainable Agriculture. 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; Animals and Livestock. extension.umn.edu/animals-and-livestock

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

Summary Table of Poultry Slaughter and Processing Scenarios

This table indicates requirements for farmers using various types of processing options. Information about licensing requirements or exclusion from licensing pertains only to the farmer in each scenario, not to the processing plant. Processing plants must be licensed.

| | 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; up to 20,000-bird Producer/ Grower exemption |
|--|--|--|---|--|--|
| License | NO | NO | YES | NO | NO |
| Inspection | NO | YES | YES | NO | NO |
| 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 |
| 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 |
| Chargesalestax | NO | NO | NO | NO | NO |
| Sampling & demo | NO | YES. See the sampling exemption, M.S. 28A.151. www.revisor.mn.gov/statutes/cite/28A.151 You must have an adequate system for cooking and sanitation in order to protect public health. | | | |
| MDA jurisdiction | YES | YES | YES | YES | YES |

Farm Products Dealers Law & Protections for Sellers

M.S. 27. Farm Products Dealers. www.revisor.mn.gov/statutes/cite/27/full

In Minnesota, if you sell perishable farm products, you may have some financial protections for those sales. **Perishable Farm Products** means produce; including fresh fruits, vegetables, and mushrooms; milk, cream, and products manufactured from milk and cream; and poultry and poultry products, including eggs.

Financial protections are available for sales on credit or terms of perishable farm products made to **Farm Products Dealers**, which includes any person operating as a retail food handler, wholesale food handler, wholesale food processor or manufacturer, or food broker who buys from or contracts with a seller for production or sale of perishable farm products for resale.

The Farm Products Dealers' trust operates like a lien against the dealer's property and takes priority over security interests others may have, providing sellers of perishable farm products an avenue for seeking reimbursement if a buyer fails to pay for products purchased on credit or terms.

For more information on the Farm Products Dealers law, or to file a claim, visit www.mda.state.mn.us/food-feed/wholesale-produce-dealers or contact Christine Mader with the MDA Plant Protection Division at 651-201-6620 or Christine.Mader@state.mn.us.