

SELLING MINNESOTA RABBITS



Introduction

This fact sheet is for Minnesota farmers who want to sell rabbits they raise on their own farm. It provides an overview or links to regulations covering options for farmers to sell their rabbit meat to individual consumers or to food facilities in Minnesota.

Rabbits are unique when it comes to processing:

- They are historically a wild game species, so the USDA considers them “non-amenable” to inspection. This means the USDA considers inspection to be voluntary. A USDA plant may process rabbits for farmers, but the farmer will pay for the inspection services.
- The state of Minnesota is stricter than federal law and classifies rabbits as meat animals, which means they must be inspected in order to be sold to food businesses or food facilities such as grocery stores or schools. Minnesota Equal-To plants may slaughter and process rabbits for farmers and the farmer will not be charged for the inspection services.
- Rabbits can also be butchered on the farm by the farmer and sold to household consumers, but not to food businesses or food facilities.

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,
<https://www.revisor.mn.gov/rules/4626.0020/>*

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

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.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, <https://www.revisor.mn.gov/statutes/cite/34A.01>

Types of Sales Locations and Customers

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

Two types of locations for sale of rabbits:

- Your farm premises
- Anywhere else

In the context of rabbit 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 consume the product themselves, or will serve the product to members of their household and/or non-paying guests.

Food Facilities: (See definition above)

Licensing & Inspections

- Product of the farm is excluded from licensing. If you raise the rabbit yourself on land that you control (through ownership or rental or lease agreement), and you add no off-farm ingredients to it, you are excluded from licensing requirements and can legally sell it to individuals or to food facilities, without a license.
- If off-farm ingredients (salt, spice blends, sauces, etc.) are added to the rabbit products, or you are doing special processes like smoking or cooking, then you must have an MDA food handler license in order to sell it.
- Some potential buyers may not be aware of what the regulations are for farmers selling rabbits and may just assume that need a license to sell rabbits raised on your farm. You can copy and use this fact sheet to help educate your buyers.
- MDA requests voluntary registration by farmers who are selling their own product of the farm rabbit. The one-page 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
- 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/*
- In most cases, a producer processing and selling their own rabbits 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 buy or obtain rabbits 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. Call the MDA Starting a Food Business number: 651-201-6081.

Three Types of Rabbit 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.

- Rabbits must be brought in live to these plants.
- Rabbits 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 must **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

Minnesota Equal-To

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

- Rabbits must be brought in live to these plants.
- Rabbits brought in for inspected processing are inspected both before slaughter (ante-mortem inspection) and after slaughter (post-mortem inspection).
- Rabbits that pass inspection can be processed for wholesale and retail sale to any buyer 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 rabbits need not be inspected by the MDA inspector assigned to that plant. Be sure to let the slaughter plant know your intentions and service requested, either inspected or custom exempt. Packages of rabbit 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 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.



- USDA defines farm-raised game species, including rabbits, 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 rabbits need not be inspected by the USDA inspector assigned to that plant. Be sure to let the slaughter plant know your intentions and service requested, either inspected or custom exempt. Packages of rabbit 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 rabbits processed to be marketed and sold

Custom-Exempt Processing

- You must sell rabbits on a live animal basis to individuals before the rabbits 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 rabbits before the rabbits go to the processing plant, and the rabbits are processed for that individual.
- There is no limit on the number of live rabbits a farmer can sell per year in this way.
- Farmers can sell live rabbits in this way only to individuals, not to food facilities. Food facilities cannot buy live rabbits that will be processed at a custom-exempt plant. Food facilities in Minnesota must only buy rabbit that has been processed under inspection at either a Minnesota Equal-To plant or a USDA plant.

Minnesota Statute 31A.02 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 rabbits slaughtered and processed under inspection at a USDA-inspected or Minnesota Equal-To inspected processing plant, and then sell the processed rabbits to any individual or food facility in Minnesota.
- If the rabbits are product of your farm and no off-farm ingredients are added, you are excluded from the requirement to obtain 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 rabbits 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

On-Farm Slaughter and Processing with No Indoor Facilities Requirement

You can slaughter and process rabbits on your farm for sale to individual customers who come to your farm. This is allowed by exemptions in Minnesota statutes.

- You can slaughter and process rabbits on your farm, indoors or outdoors, in sanitary conditions that prevent contamination of the processed rabbits.
- This exemption does not require you to have a license or an inspection. However, the Minnesota Department of Agriculture has the right to inspect your farm if they receive a complaint or have reason to believe that you are processing rabbits in unsanitary conditions or holding rabbit products in unsanitary conditions.
- You can cut up or de-bone the rabbits as part of your processing.
- You can package cut-up pieces in any configuration; for instance, ½ rabbit per package or 4 legs 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 rabbits.
- This exemption from licensing, inspection, and indoor facilities requirement does not allow you to sell rabbits at a farmers' market or any other off-farm locations.
- 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; <https://www.revisor.mn.gov/rules/1550.2210>)

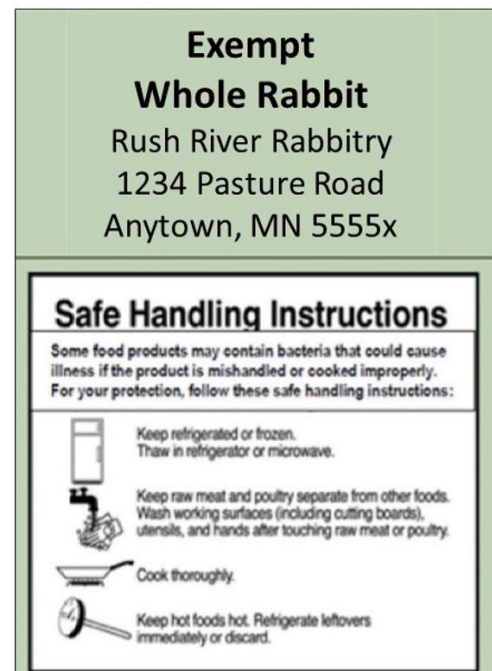
- You can sell rabbits under this exemption to individuals only, not to food facilities.
- The Minnesota Department of Agriculture requests that you register as a producer selling farm-slaughtered rabbits. There is no fee for this registration. The registration form:
www.mda.state.mn.us/sites/default/files/docs/2021-03/AG04015-Registration-for-Selling-Poultry-and-Rabbits-in-Minnesota-3.21.pdf

On-Farm Slaughter & Processing with Indoor Facility

- You can slaughter and process rabbits on your farm, in sanitary conditions in an indoor facility that prevents contamination of the processed rabbits. 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 rabbits as part of your processing.
- You can package cut-up pieces in any configuration; for instance, ½ rabbit per package or 4 legs per package.
- You cannot smoke, cook, add any ingredients, or do any other processing than cutting or de-boning.
- You must label the processed rabbits as “Exempt” and include your name and address on the label. You must also include the safe handling statement on the label. See example label on this page.



- 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 rabbits processed in a sanitary indoor facility and labeled under this exemption at locations away from your farm premises, including farmers' markets.
- You cannot sell, ship, or deliver the processed rabbits across state lines.
- You can sell rabbits processed under this exemption to individuals only, not to food facilities.
- The Minnesota Department of Agriculture requests that you register as a producer selling farm-slaughtered rabbits. 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

Minnesota Statutes 31.56 Subd. 1, www.revisor.mn.gov/statutes/cite/31.56

Minnesota Rules 1545, www.revisor.mn.gov/rules/1545/

Inspected On-Farm Processing

If you want to slaughter and process rabbits 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.

Find contact information for MDA and USDA at the end of this document.

Your Responsibility to Monitor Your Sales

If individual customers are buying rabbit from you for their personal and household use, you as the seller bear a 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 rabbit products improperly. It is illegal to participate in the sale of rabbit products within Minnesota or across state lines if those rabbit products don't meet Minnesota inspection and licensing requirements.

Minnesota Statute 31A.10, Prohibitions.

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

- You can sell rabbits to individuals from other states, have the meat processed at a custom-exempt plant, 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 process rabbits on your farm and sell them to individual household consumers. If you process in open air, your customers must come to your farm premises to pick up the processed rabbits. If you process in a sanitary indoor facility, you can sell the rabbits at off-farm locations. 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 selling it.
- You can sell packages of inspected rabbit 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 rabbit back home with them for their own personal or household use.
- Ask questions if an individual is purchasing farm-processed or custom-exempt rabbit in quantities or frequencies that seem impossible for a household to use. Selling of farm-processed rabbit by anyone other than the farmer is illegal. Selling custom-exempt processed rabbit is illegal. If you have reason to believe a customer is selling farm-processed or custom-exempt rabbit, 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 rabbit. Selling of inspected rabbit is legal if the seller has the proper MDA food handler license, but Equal-To inspected rabbit cannot be sold across state lines. If you have reason to believe a customer is improperly selling inspected rabbit without a license or is selling Equal-To inspected rabbit across state lines; refuse to sell to that customer and contact your MDA inspector.

Resources for More Information and Help

MDA; Meat, Poultry & Egg Inspection. *www.mda.state.mn.us/food-feed/meat-poultry-egg-inspection*, 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.

MDA Website. *www.mda.state.mn.us*. All fact sheets and other documents are searchable using titles.

Minnesota Farmers Market Association. *www.mfma.org*. 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 rabbit 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.

Selling across state lines

You, the farmer, can only ship or transport rabbit across state lines if it has the proper inspection.

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 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]

Summary Table of Rabbit 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.

	Processing options available to rabbit producers				
Requirements and allowed actions for farmers who raise & sell rabbits:	Custom-exempt processing of rabbits sold live	Inspected processing + storage/transport; no off-farm ingredients	Inspected processing + storage/transport; off-farm ingredients added	On-farm processing; open-air	On-farm processing; indoor facility
MDA License	NO	NO	YES	NO	NO
Inspection	NO	not routine	YES	not routine	not routine
Register with MDA	NO	NO	NO	REQUESTED	REQUESTED
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 rabbits 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)	YES **ONLY IF USDA processing	YES**ONLY IF USDA processing	NO (but out-of-state customer can pick up)	NO (but out-of-state customer can)

	from processor)			at farm & transport)	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	<p>YES. See the sampling exemption, M.S. 28A.151. https://www.revisor.leg.state.mn.us/statutes/?id=28A.151 <i>You must have an adequate system for cooking and sanitation in order to protect public health.</i></p>			
MDA jurisdiction	YES	YES	YES	YES	YES