

UNIVERSITY OF MINNESOTA

Twin Cities Campus

*Minnesota Institute for Sustainable Agriculture
College of Food, Agricultural and
Natural Resource Sciences
University of Minnesota Extension*

*411 Borlaug Hall
1991 Upper Buford Circle
St. Paul, MN 55018*

*612-625-8235
1-800-909-MISA
Fax: 612-625-1268
<http://www.misa.umn.edu>
Email: misamail@.umn.edu*

May 11, 2018

Regarding: Selling Product of the Farm and other Local Food

Farmers in Minnesota have the right to sell the products of their farm. This is stated in Article 13, Section 7 of the Constitution of the State of Minnesota:

https://www.revisor.mn.gov/constitution/#article_13

“Sec. 7. No license required to peddle.

Any person may sell or peddle the products of the farm or garden occupied and cultivated by him without obtaining a license therefor.”

This right of a farmer to sell her or his products without being required to buy a license is also spelled out in Minnesota Statute 28A.15, Subdivisions 1 and 2:

<https://www.revisor.mn.gov/statutes/?id=28A.15>

28A.15 EXCLUSIONS.

Subdivision 1. Licensing provisions applicability.

The licensing provisions of sections [28A.01](#) to [28A.16](#) shall not apply to the following:

Subd. 2. Sales by farmers; others not in food business.

Persons selling the products of the farm or garden occupied and cultivated by them, or to persons not regularly engaged in the business of manufacturing and selling food and who prepare food only on order of and for sale directly to the ultimate consumer, or to educational, charitable or religious organizations not regularly engaged in the business of manufacturing, processing, or selling food at their established educational, charitable or religious institutions.

Q. What does it mean to “sell” a product in Minnesota?

A. The State of Minnesota defines the word “sell” very broadly. Virtually any time a food item changes hands, it counts as a “sale.” Donating food counts as a sale. Delivering food without getting paid for the delivery service counts as a sale.

This is laid out in Minnesota Statute 34A.01 Subdivision 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.”

Q. What does the Product of the Farm exclusion mean?

A. Farmers selling a product that they grew or raised themselves can sell that product without a license.

Q. When does the Product of the Farm exclusion from licensing end?

A. There are two things that cause a locally farm-grown product to exit the Product of the Farm exclusion from licensing:

1. Adding off-farm ingredients to the product.
2. Having the product sold (which includes handled or delivered) by someone who is not the farmer who grew it.

Local food that doesn’t qualify as Product of the Farm can still be sold, but there will be restrictions or licensing requirements.

Cottage Food Exemption

A product with off-farm ingredients added might qualify for the Cottage Food exemption, described in Minnesota Statute 28A.152. <https://www.revisor.mn.gov/statutes/?id=28A.152>

There are requirements and restrictions associated with the Cottage Food exemption. Links to detailed information from the Minnesota Department of Agriculture, the Minnesota Farmers' Market Association, and University of Minnesota Extension are available here: <https://www.misa.umn.edu/resources/local-food-sales-resources/cottage-food>

Food Licensing

Local food that: 1) doesn't qualify as Product of the Farm; and 2) doesn't qualify for the Cottage Food Exemption; requires that the seller have a license. License type varies depending on the type of food and the type of sale.

Much more specific and detailed information about the regulations for local food sales are available in the "Selling Minnesota" series of fact sheets:

<https://www.misa.umn.edu/publications/local-food-fact-sheet-series>