

SELLING



MINNESOTA

MEAT PRODUCTS

This fact sheet is for Minnesota farmers who want to sell meat they raise on their own farm. The fact sheet covers regulations for all of the ways for farmers to sell their meat 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

Meat: Tissue from animals other than poultry, fish or wild game. 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.

Minnesota Rules 4626.0020 Subpart 50, www.revisor.mn.gov/rules/4626.0020/

Product of the farm: Farm products that you grow or raise on land that you “occupy and cultivate.” Land that you “occupy and cultivate” includes land that 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
revisor.mn.gov/constitution/#article_13*

Statute 28A.15 Subd. 2, 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

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.

Minnesota Rules 4626.0020 Subpart 37, www.revisor.mn.gov/rules/4626.0020/

Two Types of Customers

1. 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.
2. Food Facilities. (see definition, above)

Regulations for sale of your own farm-raised meats depend mainly on who your customers are.

Three Types of Meat 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.

Many custom-exempt plants have a kill floor, so that animals may be brought in live to the plant.

Custom-exempt plants do processing of animals into meat for the owner or owners of the animal. More than one person can own a single animal. For example, a farmer could sell one live beef steer to four people. After that sale by the farmer, those four people are the owners of the animal. That animal can get processed at a custom-exempt plant, and each of the four owners will get one-quarter of the meat from the steer.

Packages of meat processed for animal owners at custom-exempt plants will be marked “Not for Sale.” All meat from an animal processed as custom-exempt must be returned to the owner

or owners of the animal, for the owner’s personal and household use. The meat may not be sold either by the custom-exempt plant or by the owners of the animal.

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” (meaning “daily”) inspection by an MDA inspector.

- 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 immediately transported whole to the Equal-To plant.
- Animals brought in for inspected processing are inspected both before slaughter (ante-mortem inspection) and after slaughter (post-mortem inspection).
- 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.
- 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.”



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 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 & Inspection

As a meat producer, you are excluded from the requirement to have a license to sell the products of your farm. If you raise the meat animals yourself on land that you occupy and cultivate (through ownership or rental or lease agreement), and you add no off-farm ingredients, you are not required to have a license in order to sell the meat products, so long as slaughter and processing requirements are met for the type of sale.

- If off-farm ingredients (salt, cure, spice blends, sauces, etc.) are added to the meat products, you must have an MDA food handler 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 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 meat 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 meat and may just assume you need a license to sell meat raised on your farm. In particular, food facilities may be wary of buying from an unlicensed individual. However, if you have meat products that meet the product of the farm definition, and that have been processed under inspection at a licensed processing facility, those products are excluded from licensing and you can legally sell them 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:
<https://www.mda.state.mn.us/food-feed/sale-meat-poultry-products-grocery-stores-restaurants>.
- In most cases, a producer selling their own meat 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.

Ways to get meat animals processed to be marketed

Custom-Exempt Processing

- You must 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 (Minnesota Equal-To or USDA) plant that offers the option of custom-exempt processing.
- Typically the sale of animals prior to slaughter is done as quarters, halves, or whole animals; but other quantities are possible. You must have a way to track and verify the entire animal is sold to individual customers 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 schedule a visit to your farm and select their own animal, although they are not required to do this if they choose not to.

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

Find custom-exempt processing plants in Minnesota:

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

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 any individual or food facility in 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 these animals are product of your farm and no off-farm ingredients are added, you are not required to have an MDA food handler license.

- If off-farm ingredients are added; for example, spice blends added to sausage or jerky; then you must have an MDA food handler license in order to sell the product.
- 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, www.revisor.mn.gov/rules/1550/: Delivery of Food (MN Rules 1550.0930 – 1550.0970); and Sanitary Requirements of Cold Storage Warehouses (MN Rules 1550.2210) ; 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 to the amount of meat or the number of animals that you 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 1550.0970, www.revisor.mn.gov/rules/1550.0970/

Find Minnesota Equal-To processing plants:

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

Find USDA processing plants:

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 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 products improperly. It is illegal to participate in the sale of meat products within Minnesota if those meat products don't meet Minnesota inspection and licensing requirements. It is illegal to participate in the sale of meat products across state lines if those meat 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 portions of whole 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 owner of the meat 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 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.

Notice if an individual is purchasing animals for custom-exempt processing in quantities or frequencies that seem impossible for a household to use. Selling packages of custom-exempt meat is illegal. If you have reason to believe a customer is selling their custom-exempt meat, you can refuse to sell an animal or portion of animal to that customer and contact your MDA inspector.

Notice if an individual is purchasing large or frequent quantities of packages of inspected meat. Selling of inspected meat is legal if the seller has the proper MDA food handler license, but Equal-To inspected meat cannot be sold across state lines. If you have reason to believe that a customer is improperly 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 as defined by USDA 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 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 animals are “amenable” to Minnesota regulations on meat. That means 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 prior to slaughter and using custom-exempt processing.

For sale of packages of meat, farmers can use Minnesota Equal-To plants to get inspected slaughter and processing of 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 a fee for inspection of 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 in Minnesota 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 has a triangle shape.



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 potentially ship Minnesota Equal-To inspected parts or USDA-inspected parts from Minnesota into that state.

Non-amenable animal parts that were not slaughtered and processed under inspection cannot be shipped out of Minnesota. Under Minnesota law, these species are defined as “amenable” and require inspection if parts will be sold. Even if another 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 section 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/Food/default.htm

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 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.

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 meat 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 meat 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 with questions about cross-border shipping of processed parts from animals deemed

“non-amenable” by the USDA.

**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 community takes place. Contact: misamail@umn.edu, 612-625-8235.
<https://www.misa.umn.edu/resources/local-food-advisory-committee>

Summary Table of Meat 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 animals sold pre-slaughter to individual customers	Inspected slaughter and processing + storage and transport; NO off-farm ingredients added	Inspected slaughter and processing + storage and transport; off-farm ingredients added
License	NO	NO	YES
Sell at farmers’ market or community event	NO	YES	YES
Sell via Internet	<i>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.</i>		
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	Marked “Not For Sale”	YES	YES

Package	YES	YES	YES
Charge sales tax	NO	NO	NO
Sampling & demo	NO	<p>YES. <i>See the sampling exemption, M.S. 28A.151</i> www.revisor.mn.gov/statutes/cite/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