



Food Product Sampling and Demonstration At Farmers' Markets and Community Events

Introduction

MFMA led the effort to pass the Food Product Sampling and Demonstration legislation ([M.S. 28A.151](#)) when it first became law on April 11, 2014. It was amended on May 25, 2024 with several improvements. A few technical changes were made to the law during the 2025 Legislative session, effective July 1, 2025.

This law allows food samples and food demonstrations to occur at farmers' markets or community events without a license, as long as certain food safety requirements are met.

The term farmers' markets in Minnesota was first defined legally in M.S. 28A.151: "Farmers' market" means an association of three or more persons who assemble at a defined location that is open to the public for the purpose of selling products of a farm or garden occupied and cultivated by the person selling the product.

Community events are not defined in state law and carry numerous definitions depending on the city or county. If a local government unit does not define "community event," we use the Minnesota Department of Agriculture's working definition: a community event is defined as an organized event with a defined start and end time in which multiple participating vendors are open to the public. A community event can be approved by the municipality or applicable government agency to use public spaces, or can be held on private or public property with the consent of the owner or entity.

Legend

In this document, if it is a legal requirement, we use the word "must." If it is not a legal requirement but a best practice / highly recommended, we use the word "should."

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Summary Checklist

1. No license is needed for food samples or cooking demos; food safety requirements must be followed.
2. Samples have to be single-serve, free, 3 ounces or less.
3. Prepackaged food samples in covered containers do not require a handwashing station.
4. Cooking demos need either 3 basins (wash, rinse, sanitize) or multiple utensils.
 - a. Cooking demos with samples must have a handwashing station in the booth.
 - b. No bare hand contact with ready-to-eat foods allowed; gloves required.
5. Food samples offered require signage with the ingredients and any of the [major food allergens](#).
6. The [Worksheet provided](#) is a good tool for vendors to complete to comply with [Subd. 4](#) below.



The Law: M.S. 28A.151

Statute	Explanation
<p>Subdivision 1. Definitions. (a) For purposes of this section, the following terms have the meanings given them.</p> <p>(b) "Farmers' market" means an association of three or more persons who assemble at a defined location that is open to the public for the purpose of selling products of a farm or garden occupied and cultivated by the person selling the product.</p> <p>(c) "Food product sampling" means distributing to individuals at a farmers' market or community event, for promotional or educational purposes, small portions of a food item that include as a main ingredient a product sold by the vendor. For purposes of this subdivision, "small portion" means a portion that is no more than three ounces of food or beverage.</p> <p>(d) "Food product demonstration" means cooking or preparing food products to distribute to individuals at a farmers' market or community event for promotional or educational purposes.</p>	<p>Farmers' market defined</p> <p>Food product sampling defined</p> <p>Samples must be 3 ounces or less</p> <p>Food product demonstration defined</p>
<p>Subdivision. 2. Food sampling and demonstration. (a) Food used in sampling and demonstration must be obtained from sources that comply with Minnesota Food Law.</p> <p>(b) Raw animal, raw poultry, and raw fish products must not be served as samples.</p> <p>(c) Food product sampling or food product demonstrations that contain cooked animal, poultry, or fish products, must be prepared on site at the event.</p> <p>(d) Animal or poultry products used for food product sampling or food product demonstrations must originate from animals slaughtered under</p>	<p>Limits foods used in samples and cooking demos</p> <p>Ensures meat products come from animals slaughtered under inspection (no custom exempt)</p>

Statute	Explanation
<p>continuous inspection, either by the USDA or through Minnesota's "Equal-to" inspection program.</p> <p>(e) The licensing provisions of sections 28A.01 to 28A.16 shall not apply to persons engaged in food product sampling or food product demonstrations.</p>	
<p>Subd. 3. Food required to be provided at no cost.</p> <p>Food provided through food product sampling or food product demonstrations must be provided at no cost to the individual recipient of a sample.</p>	<p>Samples must be free</p>
<p>Subd. 4. Regulatory authority oversight.</p> <p>Any person conducting food product sampling or food product demonstrations shall provide to the regulatory authority upon request the following information related to the food product sampling or food product demonstration conducted by the person:</p> <ul style="list-style-type: none"> (1) the source of the food used in the sampling or demonstration and whether or not the food was produced at the person's farm or garden; (2) the type and volume of food to be served, held, prepared, packaged, or otherwise provided for human consumption; (3) the equipment used to serve, hold, prepare, package, or otherwise provide food for human consumption; (4) the time period and location of the food product sampling or food product demonstration; (5) the availability of facilities for hand washing by persons conducting the food product sampling or food product demonstrations; (6) information on facilities available for ware washing of multiuse utensils and equipment; (7) the available source of water; and (8) methods of liquid and solid waste disposal. 	<p>The food sampling worksheet is a good tool to use for this provision</p>
<p>Subd. 5. Food safety and equipment standards. (a) Any person conducting food product sampling or food product demonstrations shall meet the same food safety and equipment standards that are required of a special event food stand in Minnesota Rules, parts 4626.1855, items B to O, Q, and R; and 4626.0330.</p> <p>(b) Notwithstanding paragraph (a), a handwashing device is not required when only prepackaged food samples are offered.</p>	<p>Samples have to be single-serves 4626.1855, item K</p> <p>Handwashing station requirement is in 4626.1885, item F.</p> <p>A handwashing station is no longer required when only prepackaged food samples are offered.</p>

Statute	Explanation
<p>Subd. 6. Definition exception.</p> <p>The definition of farmers' market in subdivision 1, paragraph (b), does not prohibit a farmers' market association from establishing a definition of farmers' market that applies to its membership that is more restrictive than the definition in subdivision 1, paragraph (b).</p>	
<p>Subd. 7. Signage.</p> <p>A food product provided through food product sampling or food product demonstrations must be accompanied by a legible sign or placard that lists the product's ingredients and major food allergens.</p>	

Legal Handwashing Station

If any food is prepped onsite, you must have a handwashing station. Below is a description of an approved handwashing station that is effective and meets the legal requirement.

The Equipment

The handwashing station consists of the following items:

1. A container with a flip-up or turn-on faucet.
 - ◆ Push-button faucets are not allowed, because it prevents a person from washing both hands at the same time.)
 - ◆ A 5-gallon (or larger) *insulated* thermos is recommended in order to ensure you have *enough* warm water to last the duration of your farmers' market. An *insulated* thermos is recommended since the water temperature must be between 70° and 110° F for the duration of your farmers' market.
2. The water must be potable (drinkable).
3. Soap and a nail brush to wash your hands.
 - ◆ We recommend using soap that does *not* contain the antibacterial ingredient triclosan. (Studies have increasingly linked triclosan, and its chemical cousin triclocarban, to a range of adverse health and environmental effects.)
4. Paper towels to dry your hands.
5. A container (for example, 5-gallon pail) large enough to catch the water and prevent any spilling as you wash your hands. Make sure you dispose of the wastewater into a sanitary sewer to prevent contaminating ground water.
6. A container (for example, 5-gallon pail) to catch the used paper towels. Make sure the container has a lid so you can later dispose of the paper towels in an appropriate container.
7. A paper towel holder to keep the roll of towels clean and dry.



Tips for Finding the Equipment

Many stores sell 5-gallon thermoses. We found the most popular brands are Rubbermaid, Igloo and Coleman. Unfortunately, all of them have a push-button faucet, which is not acceptable. However, these push-button faucets can be removed and replaced with flip-up or turn-on faucets. One 'flip-up' faucet is manufactured by Tomlinson and is often called 'ceramic crock lever faucet.' There are many places online to purchase them, and home-brew and winemaking shops sell them too.



Flip-up faucet that can be retrofitted to your thermos.

Keeping the Water Container Clean

The water container may need to be cleaned between uses at the farmers' market. Here are some general guidelines:

1. The water container and faucet should be washed, rinsed, and sanitized before and after each farmers' market. Wash with soapy water inside and out, followed by a thorough clean water rinse, and sanitize using a bleach solution of one tablespoon bleach per two gallons water.
2. The water container should be placed in a clean area, upside down to air dry until the next use.
3. The hose used to fill the water container must be food grade (no garden hoses).

Handwashing Process

1. Rub your soapy hands together for at least 20 seconds.
2. Use paper towels to turn off the faucet (this reduces the chance of re-contamination of your hands).
3. Use paper towels to dry your hands (single use paper towels reduce the chance of contamination).



Handwashing Tips

- ◆ In order to have enough water pressure in the container to adequately wash your hands, at least one gallon of water must be left in the container (about 2 inches of water above the faucet inside the thermos). E.g., in a 5-gallon insulated thermos, if you need more than four gallons of water to wash your hands, bring additional water in a food-grade container, or fill it with an approved potable (drinkable) water source on-site.
- ◆ Make sure you have enough soap and paper towels to last the duration of your farmers' market.
- ◆ You can use a food thermometer to make sure your water stays within the 70° and 110° F range.

Handwashing Requirements

Wash your hands:

- ◆ Before starting work
- ◆ Before putting on gloves
- ◆ Before preparing food
- ◆ Before serving food
- ◆ After any absence from your booth
- ◆ After restroom use
- ◆ After smoking, eating, or drinking
- ◆ After handling fresh produce
- ◆ After taking out the trash
- ◆ After any activity that may have caused contamination

Wounds or Cuts

If you have an open sore, boil, or cut on your hands, make sure you have a bandage on it before coming to market. If you cut your finger / hand at the market, make sure you wash the wound, bandage it, and then wear disposable gloves as well, creating two barriers between the wound and any food.

MFMA's Sampling Worksheet

The Sampling Worksheet we developed is not required, but it will help you think through your sampling process, and will help you meet the requirement in the law in [Subd. 4](#).

Click here for [MFMA's Sampling Worksheet](#) – you can make a copy and save it for your own use.