

# Wineries – General Regulatory Information

The Minnesota Department of Agriculture (MDA) licenses and inspects food establishments in the state of Minnesota and works to consistently apply and enforce food safety regulations. For the past several years the MDA's Food and Feed Safety Division has licensed breweries and distilleries in the state and is working to license and inspect all commercial establishments producing and selling alcohol, including wineries. This factsheet explains the general food regulatory requirements for wine manufacturers and farm wineries.

## Licensing

To ensure fair and consistent regulation of food production in Minnesota, each winery will be required to have one food license either from the MDA or a local public health agency.

- The MDA licenses wholesale and retail food establishments. Many licensed facilities do a combination of wholesale and retail, and the license type is determined based on predominance of sales (more than 50% wholesale or retail).
- License fees are determined by gross annual food sales, which for wineries includes sales of bottled wine, wine tasting, packaged food sales, and prepared food sales, if applicable.
- Licenses are issued to firms that meet all safety and sanitation requirements. Existing firms will have 18 months to come into compliance and get licensed from the date of the initial inspection.
- Some wineries were previously licensed by the Minnesota Department of Health (MDH). The MDH is no longer licensing any farm wineries, so these previously-licensed firms will be inspected and relicensed by the MDA as long as they meet all applicable requirements.

## Brand New Wineries

New firms that begin operation after January 1, 2016 need to meet all requirements and compliance timeframes for food establishments at the time of initial operation. Unlike prior existing wineries, they do not have 18 months to come into compliance and would not be allowed to operate without a license.

## Inspection Agencies

Commercial wineries in Minnesota need:

1. Zoning approval the local authority
2. A permit from the Federal Tax and Trade Bureau
3. A license from the state Department of Public Safety Alcohol and Gambling Enforcement Division, and
4. A license from either the MDA or a delegated agent.

In addition, wineries that wholesale must register with the U.S. Food and Drug Administration (FDA), and are inspected by both the FDA and the MDA.

These inspections would be in addition to any other state and local agency inspections for buildings, grounds, and environmental impact.

## What to Expect During a Food Safety Inspection

- An onsite visit from an inspector, identified by state issued credentials
- A notice of inspection stating the rights of the person being inspected will be issued, and also explains the data collected
- A review of operations, processes, and facilities
- The inspector may take photographs during the inspection
- A written report will be left at the end of the inspection
- The initial inspection will be risk-based and orders to correct deficiencies will be written if violations are observed
- No license will be issued until all requirements have been met

## Safety and Sanitation

The FDA and the MDA enforce the good manufacturing practices (GMPs) (21 CFR 110) in wholesale manufacturing facilities. The GMPs apply to all locations in a facility where wine manufacturing occurs. The MDA also enforces the Minnesota Food Code at retail locations (MN Rule 4626). Under the food code, facilities are required to go through plan review with the MDA prior to opening. The food code applies to all locations in a facility where retail operations occur, either in existing or brand new facilities. Both existing, unlicensed facilities and brand new facilities must go through the plan review process if they have retail operations.

There are exceptions to the equipment requirements in the food code for industry-specific equipment, most notably for wooden barrels used for aging.

All plumbing, drains, sewer/septic systems and water sources must meet the applicable code requirements for all commercial operations, whether retail, wholesale, or manufacturing.

## Federal Food Safety Modernization Act (FSMA) Rules

Wineries may also fall under rules generated through the FSMA including the Food Safety Preventive Controls for Human Food rule and the Standards for the Growing, Harvesting, Packing, and Holding of Produce for Human Consumption rule.