

# Selling or Serving Locally Grown Produce in Food Facilities

Food facilities such as restaurants, grocery stores, food shelves, and school lunch programs can legally buy or accept donated produce from a farmers' market or directly from a grower and offer it to their clients, students, or customers. Here are some common terms and answers to some frequently asked questions about how food facilities can use locally grown produce safely and legally.

## TERMS

The following terms are commonly used when describing the relationships between businesses that grow or raise food and those that provide food to the public.

### Food facility

Food facilities include food establishments, businesses and non-profit organizations such as:

- Restaurants or caterers
- School food services or day cares
- Hospitals, health care facilities, or institutions
- Community centers, churches, or food shelves/banks
- Grocery stores, convenience stores, or cooperatives
- Food markets or temporary food stands
- Warehouses, bakeries, or wholesale food processors and manufacturers

### Grower

Growers may include:

- Farmers and gardeners
- School or community gardens
- Gardens at food facilities

### Sell

*“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 Statutes, chapter 34A.01, subd. 12

### Approved space

Wholesale and retail businesses have different requirements for approved spaces. Here are some examples of requirements:

- An approved kitchen or processing facility must have a certificate of occupancy with documented approval from local building, plumbing, fire, electrical, and zoning inspectors.
- Retail equipment must meet NSF standards or the commercial equivalent.
- The facility must have adequate storage space for ingredients, equipment, packaging materials, and finished goods.
- The facility must have an approved safe water supply and an approved wastewater disposal and treatment system.
- Plan submittal is required at least 30 days before beginning construction, extensive remodeling, or conversion of a retail food facility.
- If you are wholesaling or exempt from licensing, an approved space must meet the requirements in the Good Manufacturing Practices (GMPs).

## FREQUENTLY ASKED QUESTIONS

### Can a grower be an approved source?

Yes, food facilities can buy or accept produce directly from a produce grower if the food is grown on a farm or garden occupied or cultivated by the grower. Growers must ensure that all food they sell or donate complies with applicable regulations. These may include:

- Handling and processing practices to ensure the food is safe, wholesome, and unadulterated.
- Using potable water.
- Following applicable GMPs, Good Agricultural Practices (GAPs), and/or the Food Safety Modernization Act (FSMA) Produce Safety Rule.

For more information on these regulations, please contact the Minnesota Department of Agriculture at 651-201-6027.

### Is a grower required to have a food handler license to sell or donate their produce?

It depends on the situation.

People who sell or donate produce from a farm or garden they rent or own are exempt from licensing. This includes whole or processed produce with no added off-farm ingredients.

These situations require a food handler license:

- People who add off-farm ingredients (including salt) during processing of produce need a license.
- People who wish to sell or donate produce they have not grown themselves need a license.
- In some circumstances a Wholesale Produce Dealer license may also be required (for example, if a person buys produce from a farmer for resale).

Anyone who produces, processes, handles, or vends food, whether or not they need a license, must comply with other food safety rules and requirements. Additional information on licensing, food safety, and specific product or processing requirements is available from the Minnesota Department of Agriculture.

## Further Information

For more information on these regulations, please contact the Minnesota Department of Agriculture at 651-201-6027.

### When do I need to use an approved space for processing?

An approved space is not required for processing done in the field or packing shed, such as:

- Sorting or trimming, such as topping carrots or husking corn as part of the harvesting process.
- Washing to start the cooling process or to remove soil and debris.

An approved space is required for further processing, such as:

- Slicing, mixing, or coating.
- Heating, canning, or bottling.
- Freezing or drying.

An approved space AND food handler license are required for:

- Adding off-farm ingredients (including salt) prior to use or sale.

### What is the role of the person in charge (PIC) or supervisor?

Everyone working with food shares the responsibility to use safe food handling practices that reduce the potential for foodborne illness.

In retail food establishments, the PIC must:

- Demonstrate specific knowledge and fulfill certain duties to reduce the potential for foodborne illness.
- Supervise community volunteers who may help process produce in an approved space (for example, parents working in the school kitchen to help wash and cut carrots grown in the school garden).

In food processing plants, competent supervisors must:

- Ensure compliance with safe food handling practices.

## What are other purchasing and receiving guidelines for local produce?

- Check with the state or local regulatory authority that licenses and inspects your facility before changing your menu or expanding your business to include new foods or methods. They can help you identify additional training, certification, licensing, or permit requirements.
- Review the farmer's on-farm food safety plan, provided either in a written or verbal form, for production, harvest, handling, storage, and transportation steps.
- Inspect the transportation vehicle to see if it is clean. Look for evidence of chemicals, odors and obvious debris.
- Inspect the produce for signs of insects, disease, bruising, damage, over-ripeness, and immaturity.
- Ask for documentation that references the USDA Certifying Agent if the produce is advertised as "Organic."
- Properly wash produce to remove soil and surface contamination before use.
- Ask for a receipt of purchase and keep good records. Good record-keeping is particularly important if illness or injury prompts the need to trace a product back to the supplier.
- Farmers who process their own produce for sale can request inspection by the Minnesota Department of Agriculture. Buyers can request a copy of the inspection report.

## What kind of documentation should food facilities get from the grower?

Food facilities should obtain a receipt that includes the following information:

- Date of delivery
- Received by name
- Donated or purchased
- Description and amount of produce

- Date harvested
- Harvest location
- Name of grower
- Address
- Phone
- Email address

## RESOURCES

- Minnesota Department of Health Food Business Safety ([www.health.state.mn.us/foodbizsafety](http://www.health.state.mn.us/foodbizsafety))
- Food Safety Modernization Act, Preventive Control for Human Food ([www.fda.gov/Food/GuidanceRegulation/FSMA/ucm334115.htm](http://www.fda.gov/Food/GuidanceRegulation/FSMA/ucm334115.htm))

### Minnesota Department of Health

Food, Pools, and Lodging Services

PO Box 64975

St. Paul, MN 55164-0975

651-201-4500

[health.foodlodging@state.mn.us](mailto:health.foodlodging@state.mn.us)

[www.health.state.mn.us](http://www.health.state.mn.us)

### Minnesota Department of Agriculture

Food and Feed Safety Division

625 Robert Street N

St. Paul, MN 55155-2538

651-201-6027

[MDA.FFSD.Info@state.mn.us](mailto:MDA.FFSD.Info@state.mn.us)

[www.mda.state.mn.us](http://www.mda.state.mn.us)

### JANUARY 2019

To obtain this information in a different format, call: 651-201-4500 or 651-201-6000. Printed on recycled paper.