

Minnesota's Retail Food Safety System: Streamlining for Safety and Efficiency



Background

Regulatory authority of Minnesota's retail food safety system is split between two state agencies, the Minnesota Department of Agriculture (MDA) and the Minnesota Department of Health (MDH). MDA's authority covers packaged food including grocery stores, bakeries, and convenience stores (MN Stat. § 28A). MDH's authority covers prepared food including restaurants, coffee shops, schools, and food trucks (MN Stat. § 157).

Challenges of the Existing Retail Food Safety System

Food establishments may offer both packaged and prepared foods, leading to confusion about which agency is responsible for licensure. Food vendors experience different processes, policies and levels of support in the licensing and inspection process depending on the licensing agency. Due to the rapidly changing nature of the food business, the current licensing structure results in a confusing maze for food establishments and local public health to navigate when interacting with the system.

Example: A food vendor sells two types of caramel apples; on a stick or sliced with caramel on the side. Caramel apples on a stick are considered manufactured food and regulated by MDA, but sliced apples with caramel on the side are considered restaurant retail and regulated by MDH. If 51% of the vendor's sales one year are caramel apples on a stick, the vendor will be licensed and inspected by MDA. If the following year, 51% of the vendor's sales are sliced apples with caramel on the side, the vendor would instead become licensed and inspected by MDH.

Year 1: Regulated by **MDA**



Caramel apples on a stick
≥51% of vendor's year 1 sales

Year 2: Regulated by **MDH**



Sliced apples with caramel on the
side ≥51% of vendor's year 2 sales

Unifying Minnesota's Retail Food Safety System

Unifying retail food safety authority at MDH, with delegation to capable local jurisdictions, would alleviate avoidable burdens on businesses and allow local agencies to operate efficiently and focus on supporting community businesses. MDH is responsible for investigating foodborne illness outbreaks, and the goal of a retail food safety inspection program is to protect public health by preventing the spread of foodborne illness. LPHA supports unifying retail food licensing and inspection authority within the MDH. Achieving a unified system that operates on one statewide playbook will make food safer, make the system easier to navigate for businesses, support an inspector-business partnership, reduce duplication, and support local flexibility to meet community needs.

About the Local Public Health Association of Minnesota

The Local Public Health Association of Minnesota (LPHA) is a voluntary, non-profit organization that works to achieve a strong local public health system through leadership and collective advocacy on behalf of Minnesota's county, city and tribal local public health departments. The Association represents more than 230 public health directors, supervisors and community health services administrators throughout the state. LPHA is an affiliate of the Association of Minnesota Counties.



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