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State of Minnesota
HOUSE OF REPRESENTATIVES

**EIGHTY-FIFTH
SESSION**

HOUSE FILE No. 1727

March 5, 2007

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The bill was read for the first time and referred to the Committee on Health and Human Services

May 11, 2007

Returned to Author

1.1 A bill for an act
1.2 relating to health; exempting single-family dwellings from chapter 157;
1.3 amending Minnesota Statutes 2006, section 157.22.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. Minnesota Statutes 2006, section 157.22, is amended to read:

1.6 **157.22 EXEMPTIONS.**

1.7 This chapter shall not be construed to apply to:

1.8 (1) interstate carriers under the supervision of the United States Department of
1.9 Health and Human Services;

1.10 (2) any building constructed and primarily used for religious worship;

1.11 (3) any building owned, operated, and used by a college or university in accordance
1.12 with health regulations promulgated by the college or university under chapter 14;

1.13 (4) any person, firm, or corporation whose principal mode of business is licensed
1.14 under sections 28A.04 and 28A.05, is exempt at that premises from licensure as a food
1.15 or beverage establishment; provided that the holding of any license pursuant to sections
1.16 28A.04 and 28A.05 shall not exempt any person, firm, or corporation from the applicable
1.17 provisions of this chapter or the rules of the state commissioner of health relating to
1.18 food and beverage service establishments;

1.19 (5) family day care homes and group family day care homes governed by sections
1.20 245A.01 to 245A.16;

1.21 (6) nonprofit senior citizen centers for the sale of home-baked goods;

1.22 (7) fraternal or patriotic organizations that are tax exempt under section 501(c)(3),
1.23 501(c)(4), 501(c)(6), 501(c)(7), 501(c)(10), or 501(c)(19) of the Internal Revenue Code of
1.24 1986, or organizations related to or affiliated with such fraternal or patriotic organizations.

2.1 Such organizations may organize events at which home-prepared food is donated by
2.2 organization members for sale at the events, provided:

2.3 (i) the event is not a circus, carnival, or fair;

2.4 (ii) the organization controls the admission of persons to the event, the event agenda,
2.5 or both; and

2.6 (iii) the organization's licensed kitchen is not used in any manner for the event;

2.7 (8) food not prepared at an establishment and brought in by individuals attending a
2.8 potluck event for consumption at the potluck event. An organization sponsoring a potluck
2.9 event under this clause may advertise the potluck event to the public through any means.
2.10 Individuals who are not members of an organization sponsoring a potluck event under this
2.11 clause may attend the potluck event and consume the food at the event. Licensed food
2.12 establishments other than schools cannot be sponsors of potluck events. A school may
2.13 sponsor and hold potluck events in areas of the school other than the school's kitchen,
2.14 provided that the school's kitchen is not used in any manner for the potluck event. For
2.15 purposes of this clause, "school" means a public school as defined in section 120A.05,
2.16 subdivisions 9, 11, 13, and 17, or a nonpublic school, church, or religious organization
2.17 at which a child is provided with instruction in compliance with sections 120A.22 and
2.18 120A.24. Potluck event food shall not be brought into a licensed food establishment
2.19 kitchen; ~~and~~

2.20 (9) a home school in which a child is provided instruction at home; and

2.21 (10) a single-family dwelling that is occupied by the owner for at least one week
2.22 during the year.