

# Sale of Home or Farm Raised Poultry

Minnesota Department of Agriculture; University of Minnesota Extension

## Introduction

The purpose of this factsheet is to describe how Minnesotans may safely and legally sell their harvested poultry and to provide an overview of regulatory issues related to poultry.

Demand for processed poultry from local sources has increased and more and more individuals are raising poultry to meet this demand. This document will provide you a foundation and resources regarding questions that you may have regarding the sale of home or farm raised poultry in Minnesota. You will find links and contact information within the text of the factsheet for additional information.

## Definitions

**Farmer:** A person who raises food either at his/her home property, farm, or garden that they rent or own.

**Harvest:** Alternate term for slaughter.

**Poultry:** Domesticated fowl including chickens, waterfowl and game birds, except doves and pigeons, which are bred for the primary purpose of producing eggs or meat. “Waterfowl” means domesticated fowl that normally swim, such as ducks and geese. “Game birds” means domesticated fowl such as pheasants, partridge, quail, grouse, and guineas, but not doves and pigeons (MN Rules 1520.5200 Subp. 14, 21 and 30).

**Retail sales:** sales to the final consumer.

**Sell; sale:** includes keeping, offering, or exposing for sale, use, transporting, transferring, negotiating, soliciting, or exchange of food (MN Statutes, Chapter 28A.03 Subd. 6).

## What is the historical basis requiring poultry inspection?

The *Poultry Products Inspection Act* (PPIA) commonly referred to as Public Law (P.L.) 90 – 492, is a Federal act passed by the United States Congress in 1957 that mandated Federal inspection at businesses that slaughter poultry or process poultry products for sale. The goal of the act is to ensure that only wholesome poultry that is not adulterated or misbranded enters interstate (between states) or foreign commerce.

A 1968 amendment extended the mandate for Federal (or State *Equal-To*) inspection to all businesses that slaughter or

process poultry for shipment within a State. All poultry sold must meet the mandated requirements unless the operator qualifies as an “*Exempt P.L. 90-492*” processor.

## What are the basic differences and similarities of “Exempt P. L. 90-492” versus the Federal mandates provided above?

*Exempt P.L. 90-492* is the term that refers to poultry slaughter and processing operations that qualify to operate without the benefit of daily Federal (or State *Equal-To*) inspection. Bird-by-bird inspection is not required in these operations and the presence of inspectors is not required. These facilities, which are usually smaller poultry farms, are not exempt from all of the requirements of the Poultry Products Inspection Act and certain State specific requirements do apply to these operators. Greater detail is provided in other sections of this factsheet. Most importantly, these operators are not allowed to produce product that is adulterated and misbranded.

## I want to sell my poultry directly to the consumer from my farm. Do I need a license or inspection to do so?

It depends on the situation. **Licensing and inspection are two different topics and the requirements for each are dependent on the specific situation.**

### 1. Inspection:

Inspection is not required for poultry producers who do the following:

- Sell fewer than 1,000 home raised poultry per year directly to the end consumer from the farm; and
- Do their own processing.

An approved facility IS required for those producers selling more than 1,000 birds per year. Inspections may be conducted at these facilities as well.

## 2. Licensing:

You are exempt from state licensing if you sell poultry direct from your farm, register with the Minnesota Department of Agriculture (MDA), and meet ALL the criteria listed below (a – h):

- a) The farmer sells only birds raised on his/her own farm; and
- b) The poultry products are sold only from the farm to individual consumers and households; and
- c) The farm harvests fewer than 20,000 birds annually; and
- d) No birds are offered for sale or transportation in interstate commerce (i.e., across state lines); and
- e) The poultry products are sold as whole birds or cut up (no smoking or curing permitted); and
- f) The poultry is processed in one of two ways:
  - I. The poultry grower harvests his/her own birds under sanitary conditions; or
  - II. The poultry have been harvested in an establishment that is inspected continuously either by MDA Meat and Poultry Inspection Program (commonly called Equal-To) or the United States Department of Agriculture (USDA) Food Safety Inspection Service (FSIS); and
- g) The processor must keep harvest and sales records; and
- h) The processed poultry must be properly labeled.

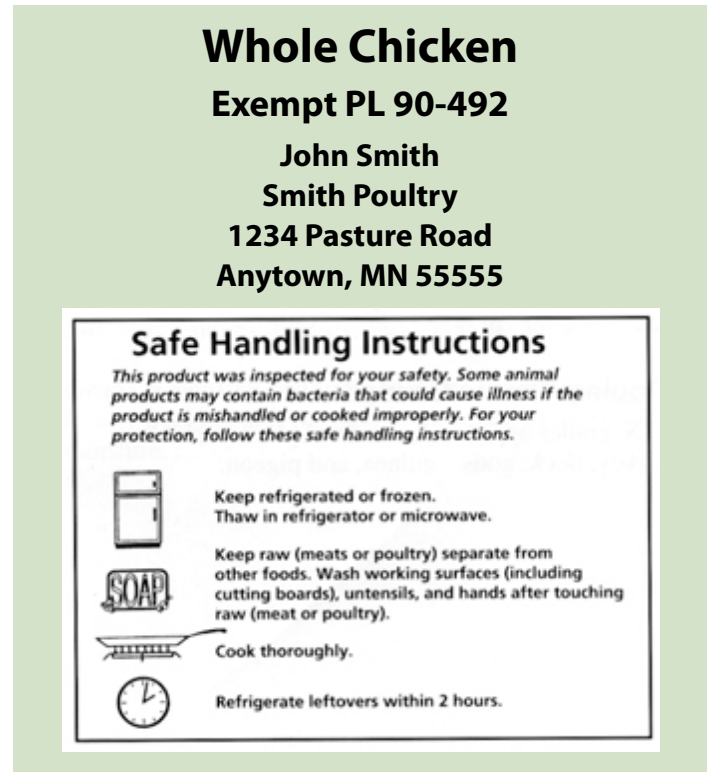
Because each situation is unique, it is important to contact MDA at 651-201-6027 if you have questions regarding approved sources, inspection & facility requirements, farmer exemptions, licensing or labeling.

## What are the labeling requirements?

To sell your poultry from your farm, each bird must have a label to include ALL the criteria listed below (a – e):

- a) The Product Name; and
- b) “Exempt PL 90-492” ; and
- c) Farmer’s Name; and
- d) Name, address, and zip code of your farm; and
- e) Safe Handling Instructions (all Safe Handling Instruction writing is minimum 1/16 inch letter height).

**An example of the required labeling is:**



**If I meet the PL 90-492 Exemption requirements, does that mean I avoid having an inspector come on site to my farm to conduct an inspection?**

**No.** Exempt farm facilities are subject to inspection to verify sanitary conditions at the discretion of MDA or as a result of a consumer complaint.

***Regardless of PL Exemption or license status, all producers, processors, handlers, and vendors of food, must comply with food safety laws and regulations.***

**I would like to find out more regarding inspection programs. What type of inspection is required before the poultry is sold if I do not qualify for PL Exempt?**

If the poultry does not qualify for the PL Exemption, the poultry must be harvested and processed in an establishment that is inspected continuously by either the MDA Meat and Poultry Inspection Program (commonly called ***Equal-To***) or USDA FSIS.

## What does “inspected continuously” mean?

This means that the poultry business is inspected every day during operations to ensure that they are producing safe food. Every bird harvested in a continuously inspected establishment must be inspected before, during and after slaughter to ensure that the meat comes from an animal free from signs of disease.

Continuous inspection is required for any business that sells their poultry products to retail outlets, such as grocery stores, restaurants, or other food service institutions.

## Who does continuous inspection?

Businesses that need continuous inspection have two options:

**Federal Inspection:** Operators who produce their meat products in Minnesota and sell their products in Minnesota and other states, or will export them to other countries, must be inspected by the USDA FSIS. These businesses may harvest their own poultry or may purchase products from other USDA inspected sources and further process these products under continuous inspection.

**State Inspection:** Operators who produce and sell their products only in Minnesota can be inspected by the State *Equal-To* inspection program. These businesses may harvest their own poultry or purchase products from either USDA or State inspected sources for further processing in their facility.

You can find a list of State inspected meat and poultry plants at the following website:

<http://www.mda.state.mn.us/en/licensing/inspections/meatpoultryegg/state-inspection/equal2plants.aspx>

A listing of USDA inspected plants is provided at: [http://www.fsis.usda.gov/regulations\\_&\\_Policies/Meat\\_Poultry\\_Egg\\_Inspection\\_Directory/index.asp](http://www.fsis.usda.gov/regulations_&_Policies/Meat_Poultry_Egg_Inspection_Directory/index.asp)

Contact the Minneapolis USDA District office at 612-659-7056 or 800-843-1974 for additional information.

## How can I sell my poultry at the farmers’ market?

Farmers have two options for conducting retail sales of poultry at a farmers’ market:

1. Harvest the birds yourself in an on-farm facility that meets the requirements as outlined in Minnesota Rule 1545, which is provided at the following website:

<https://www.revisor.mn.gov/rules/?id=1545>

These facilities may be inspected one or two times per year for construction and sanitation. Home harvested birds cannot be sold to grocery stores or

other food facilities. This poultry can only be sold retail directly to the final consumer. To have your facility inspected, please contact MDA at 651-201-6027.

In addition, you must follow the other PL Exemption requirements and label requirements provided earlier in this fact sheet; or

2. Have the birds harvested in either a MN *Equal-To* facility or USDA facility under continuous inspection.

## Do I need a license to sell my birds at a farmers’ market?

Farmers selling whole or cut up poultry (no other ingredients added) **from their own flock** are not required to be licensed per MN licensing statute 28A. However, certain local governments may require licensing to sell products at a farmers’ market so it is important to contact them as well. These producers must register as an on-farm exempt producer with MDA. There is no fee associated with this registration. The one page *Poultry Slaughter and Sales Direct to Consumers Exemption* form can be obtained at:

<http://www.mda.state.mn.us/news/publications/licensing/meat&egg/ag02433egg.pdf>

## I have my birds processed at a local meat market. Can I sell them at the farmers’ market?

Only if the local meat market is inspected continuously by either the MN *Equal-To* or USDA FSIS programs.

These plants are required to meet more stringent food safety standards than custom exempt plants. During MN *Equal-To* or USDA FSIS inspection, each bird is inspected before, during and after slaughter for food safety and product wholesomeness. This is required so the consumer is ensured that the plant is being held to the highest level of food safety that exists for meat and poultry. **Poultry processed at a custom meat processor CANNOT be sold.**

## What is a Custom Meat Processor?

A custom meat processor is a plant that is exempt from continuous inspection because they only process meat as a service to the owner of the animal. The inspector is not present when animals are slaughtered. Businesses that operate under this exemption are inspected quarterly by the State Inspection Programs or by FSIS/USDA.

The meat or poultry from these establishments cannot be sold and can only be consumed by the owner, the owner’s immediate family, and non-paying guests.

## What do I need to do to sell my own poultry to grocery stores, restaurants, schools or other businesses?

These birds must be processed under either MN *Equal-To* or USDA FSIS inspection. Licensing is not required by the State if you are selling only birds you have raised.

Contact MDA at 651-201-6027 if you have questions regarding approved sources, farmer exemptions, and licensing requirements.

## What would happen if I did sell my poultry to a food facility or at a farmers' market without following the rules and guidelines given in this factsheet?

The use or presence of unapproved food products in a food facility or at a farmers' market is a violation of federal, state, and local laws. If an inspector finds any unapproved food product during an inspection or investigation, you will be ordered to immediately discontinue the practice of using or selling the products identified as illegal and those items will be immediately removed from sale or use.

Additional regulatory action including embargo, recall, hearings, fines, or condemnation and destruction of the illegal food items may be taken. This will disrupt your business operation.

## What are some other guidelines regarding the sale of locally produced poultry?

- Be prepared to answer the purchaser's questions about how the birds are raised, processed, handled, and stored.
- Wash hands well and often.
- Maintain the processed poultry at 41°F or less, or freeze.
- Provide a receipt of purchase and keep good records. Good recordkeeping is particularly important in case illness or injury results and there is a need to trace the product back to the supplier.

### Type of Inspection Needed for Poultry Processors

End Customer	Type of Inspection Needed
Grocery stores, restaurants (wholesale outlets)	Federal or State <i>Equal-To</i>
Direct retail sales from the farm to end customer (if slaughtered on the farm)	No routine inspection – processed under P.L. exemption
Farmers' Markets	Federal or State <i>Equal-To</i> or P.L. exempt from an approved facility

### Type of Inspection Needed for Poultry Processors

Products Being Sold	Licensing Needed
Birds only from your farm	None required – Register with MDA
Birds from your farm and other farms	Food handler's license
Poultry products with added ingredients that do not come from your farm	Food handler's license

<http://www.mda.state.mn.us/food>

(651) 201-6027 • 1-800-967-AGRI

[www.extension.umn.edu/foodsafety](http://www.extension.umn.edu/foodsafety)

612-624-1222





Dairy and Food Inspection, Ph: 651-201-6027, Fx: 651-201-6116

## Egg Grading and Sales for Small Producers Exempt from Licensing Poultry Slaughter and Sales Direct to Consumers Exemption

Date of Application: \_\_\_\_\_ Establishment e-mail: \_\_\_\_\_

Name of Applicant: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Establishment phone: \_\_\_\_\_ Establishment fax: \_\_\_\_\_

### LIST ALL PERSONS RESPONSIBLE CONNECTED WITH THE APPLICANT (INCLUDE ALL OWNERS)

Name/Title	Present Home Address <i>(Street and number, City, State, Zip)</i>

### EXEMPTION REQUESTED

I (we) are applying for an exemption to slaughter and process poultry for direct sales to consumers. I (we) understand that we are limited to the number of poultry we can sell and that the poultry products must only be sold from our farm.

- Selling less than or equal to 1,000 poultry per calendar year
- Selling between 1,000 and 5,000 poultry per calendar year
- Selling between 5,000 and 20,000 poultry per calendar year
- Candling and grading eggs for sales to restaurants, grocery stores, or boarding houses.

### AGREEMENT AND CERTIFICATION

When an exemption is granted by the Minnesota Department of Agriculture to sell eggs without a food handler license, I (we) agree to conform to *Minnesota Statutes Section 29* and *Minnesota Rules 1520* in regard to the candling, grading and handling of eggs. We have a copy of the appropriate rules and regulations and will strictly adhere to them. I (we) are aware that any violations of state requirements may cancel this exemption.

**X** Signature and Title of Owner, Partner, or Authorized Officer making this application:

APPLICANT'S SIGNATURE	TITLE	PRINTED NAME	DATE
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### TO BE COMPLETED BY MDA:

DATE RECEIVED	<b>X</b>	_____	DATE
		SIGNATURE OF AREA SUPERVISOR	
	<b>X</b>	_____	DATE
		SIGNATURE OF DIRECTOR	