

CHAPTER 112—S. F. No. 15.

An act relating to the manufacture, sale, warehousing, handling, dispensation, distribution and use of hog cholera serum, hog cholera virulent blood, hog cholera virus and other biological products for use upon domestic animals, and repealing Chapter 100, Laws 1921, Section 6 of Chapter 87, Laws 1915, and all inconsistent acts and parts of acts.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. **Duties of live stock sanitary board.**—It shall be the duty of the state livestock sanitary board of the state of Minnesota (hereinafter called the "board") and said board shall have power and authority to make and promulgate such rules and regulations governing the manufacture, sale and distribution of hog cholera serum, hog cholera virulent blood, hog cholera virus and other biological products for use upon domestic animals, as it deems necessary to maintain the potency and purity of such serum, virulent blood, virus and biological products.

Sec. 2. **Definitions.**—Wherever used in this act the word "person" shall include individuals, firms, partnerships, companies and corporations; the words "biological products" shall include and refer to hog cholera serum, virulent blood and virus; the word "manufacturer" shall include all persons engaged in the preparation in this state of biological products as herein defined, at any stage of the process; the word "dealer" shall include all persons other than manufacturers engaged in the sale, dispensation, or other distribution of biological products for profit, or who shall offer biological products for sale, dispensation, or other distribution for profit, whether as principal or agent, provided that a regularly licensed veterinarian who has in his possession biological products for use in the practice of his profession, but not for sale to other veterinarians or permit holders shall not be considered a dealer as herein defined.

Sec. 3. **Must have permit.**—No person shall manufacture, sell, offer for sale or otherwise distribute within the state any biological products unless he shall have been granted a permit by the board to manufacture or sell such products upon application as provided in this act.

Sec. 4. **Applications.**—Applications for permission to manufacture, sell or otherwise distribute biological products shall give the applicant's name, his place of business and such other information as may be required by the board.

Sec. 5. **Must have government license.**—Applications to manufacture biological products shall be accompanied by evidence satisfactory to the board that the applicant is the holder of a valid and unrevoked United States government license for the manufacture and sale of biological products.

Sec. 6. **Bonds.**—Applications for dealers' permits shall be accompanied by an undertaking on the part of the applicant faithfully to comply with the law and the rules and regulations of the board governing the warehousing, handling, sale and distribution of biological products, and by a bond to the state of Minnesota in the penal sum of five thousand dollars (\$5000) to be approved by the board for the use and benefit of all persons using the biological products sold by the permit holder, who may be damaged by reason of his negligence in the warehousing, handling or distribution of such products, and for the use and benefit of the state for all penalties adjudged against the principal thereon in any action instituted in the name of the state.

Sec. 7. **May recover damages from dealers.**—Any party damaged by the negligence of any dealer may recover damages against the dealer to the full amount suffered by such injured party by reason of negligence in the discharge of any of the duties imposed by this act or by the rules and regulations promulgated by the board thereunder or in the warehousing, handling, or distribution, as the case may be, of such biological products, and in the event of judgment being obtained upon any bond provided in this act the board may immediately revoke the permit issued, if in its judgment the conditions warrant such revocation, and shall in any event require a further bond, the amount of the penalty upon which shall be such as to afford the same security to all persons entitled thereto as is provided in bonds originally filed, and upon failure to furnish such additional bond the said permit shall be thereby revoked without further action by the board.

Sec. 8. **May recover damages from manufactures.**—Any party damaged by the negligence of a manufacturer may recover damages to the full amount suffered by such injured party, by reason of negligence of such manufacturer in the discharge of any duty imposed by this act or by the rules or regulations promulgated by the board thereunder or in the manufacture, warehousing, handling or distribution, as the case may be, of such biological products.

Sec. 9. **Premises to be inspected.**—Before the issuance of an original permit to any manufacturer or dealer the board may cause the premises upon which it is proposed to manufacture or sell biological products to be inspected, and shall make such requirements regarding the physical condition and sanitation of such premises as in its judgment are necessary to insure the maintenance of the potency and purity of said products; and such premises shall be subject to inspection at such time and in such manner as the board may consider proper and necessary to insure compliance with its rules and regulations and the statutes relative thereto.

Sec. 10. **Fee to accompany applications.**—A fee of twenty-five dollars shall accompany applications for manufacturer's permit for each plant where it is proposed to manufacture biological prod-

ucts, and a fee of fifteen dollars shall accompany applications for dealer's permit for each warehouse or distributing agency it is proposed to maintain. All permits shall be valid for one year from the date of issuance and renewals thereof shall be subject to like conditions, including fees, as are imposed in the case of original permits.

Sec. 11. To make reports when required.—All permit holders shall make such written report to the board as it may from time to time require.

Sec. 12. Board may revoke licenses.—The board upon notice and after hearing may revoke any manufacturer's or dealer's permit issued by it for violation of the terms and conditions under which it was issued.

Sec. 13. Must hold government license.—No biological products shall be sold, dispensed or otherwise distributed, or offered for sale, dispensation or other distribution, or be used in this state, except such as have been produced at a plant holding the United States government license for the manufacture of biological products.

Sec. 14. Who may sell virus.—No person shall sell, offer for sale or otherwise distribute or offer for distribution virulent blood or virus from cholera infected hogs other than to holders of valid permits to use the same.

Sec. 15. Must have permits to administer virus.—Written permits to administer virulent blood or hog cholera virus in infected territory shall be issued by the Board to such persons as present satisfactory evidence that they are qualified to administer the same. The area within a radius of six miles from premises whereon hog cholera exists, or has existed within the preceding twelve months, shall constitute infected territory. Qualified licensed veterinarians may administer hog cholera virus in non-infected territory upon a receipt of a special permit to administer the same to hogs on an individual farm. All permits are subject to the quarantine regulations as provided by the live stock sanitary board. All permits issued may be cancelled by the board upon it appearing that the holder thereof is no longer a proper person to administer such hog cholera virus.

Sec. 16. Schools of instruction.—Provision shall be made by the secretary of the board for instruction in the use of serum and virus in each county not oftener than once each year, and he is hereby authorized and directed to make all necessary arrangements for such instruction at a convenient time and place, when there are seven (7) or more applicants, who are residents of the county, for such instruction. Persons who desire to avail themselves of such course of instruction shall make application to the county agent.

Sec. 17. Applications for instruction.—The county agent, or one of the applicants, in case there is no county agent, shall forward such applications to the Secretary of the Board who shall notify the extension department of the College of Agriculture, University of

Minnesota at the University Farm, St. Paul, and said department shall within thirty days send competent instructors to such county to hold a school of instruction. Such instructor or instructors shall give all instructions and demonstrations necessary, and conduct reasonable examinations and immediately report to the board the names and addresses of the persons passing the examinations.

Upon receiving such report the board shall, upon the receipt of two dollars, issue a permit to each person having passed examination. This permit shall entitle its holder, to use virulent blood or hog cholera virus on his own hogs, in badly infected counties. This permit shall be good only for one year, but upon the payment of one dollar to the board, the board shall renew this permit for one year at the time without the applicant taking further examination.

Badly infected counties shall be counties that have so been designated by the Live Stock Sanitary Board, or counties that have reported to the Live Stock Sanitary Board at least five places in said county where hog cholera exists, or has existed during the last twelve months, and which has been diagnosed by a qualified licensed veterinarian.

All funds received under this act shall be placed to the credit of the Live Stock Sanitary Board for the purpose of carrying out the provisions of this Act.

Sec. 18. Schools shall be held at University Farm.—The board may hold such school of instruction at the University Farm at such times as they deem proper, and shall hold the same upon the application of ten (10) or more desiring to attend such schools and at such schools no fees shall be charged and permits shall be granted to those attending as provided in section 17, and the board shall hold two stated schools each year one the first Monday of January and August respectively.

Sec. 19. Samples may be seized.—The board, or its duly authorized deputies, assistants, or agents may seize, at any time or place, for examination samples of biological products manufactured or kept for use or sale within the state.

Sec. 20. Powers of Board.—The board shall have power to seize, condemn or destroy any biological products which it deems unsafe for use.

Sec. 21. Labels must not be defaced.—No person shall remove or deface any label upon the bottles or packages containing any biological product, or change the contents from the original container except for immediate use.

Sec. 22. Must not discriminate.—Manufacturers and dealers shall sell hog cholera serum and virus to all permit holders without discrimination as to price or otherwise subject to the rules and regulations of the board.

Sec. 23. Violations and penalties.—It shall be unlawful for any person authorized under this act to manufacture, sell or dis-

tribute serum or virulent blood or virus, to grant any rebate, either directly or indirectly, to any person or to sell said products at any other than a uniform price to all persons, and any person violating the provisions of this section shall forfeit his license to manufacture or sell such products and the same shall not be renewed for a period of one year.

Sec. 24. **Rebates prohibited.**—Any regularly licensed veterinarian who shall receive or collect, directly or indirectly, any rebate or commission or compensation for the handling and sale or use of any hog cholera serum or virus other than his charges for services rendered in administering the same, unless said amount if requested is made known to the customer using the same in writing, shall be guilty of a misdemeanor.

Sec. 25. **Soliciting applications prohibited.**—It shall be unlawful for any person licensed as herein provided to manufacture, sell or distribute hog cholera serum or virus, directly or indirectly, or by his agents or employes or representatives to solicit or attempt to induce farmers or others to make application for examination as provided in section 16 or 17 hereof, or in any way to assist or be interested in procuring applicants for permits as herein provided. Any person violating the provisions of this section, shall forfeit his license granted under this act. Hogs treated by any person authorized to administer treatment by the provisions of this act shall be properly quarantined for a period of at least twenty-one (21) days, under the rules and regulations of the board.

Sec. 26. **Penalties for violations.**—Any person who shall violate any of the preceding provisions of this act, or any of the rules or regulations of the board legally promulgated, or who shall hinder or attempt to hinder the board or any duly authorized agent or official thereof in the discharge of his duty, upon conviction shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or in default of payment thereof, shall be imprisoned in the county jail for not less than thirty nor more than one hundred fifty days.

Sec. 27. **Inconsistent acts repealed.**—Chapter 100, Laws 1921, section 6 of chapter 87, Laws 1915, and all acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

Sec. 28. This act shall take effect and be in force from and after its passage.

Approved March 31, 1923.

CHAPTER 113—S. F. No. 346.

An act to amend Section 4598, of the General Statutes of 1913, as amended by Chapter 370, Laws of 1915, and Chapter 213 Laws of 1921, relating to commission merchants.