

CHAPTER 471—S. F. No. 1497

An act relating to the grading, candling, purchase and sale of eggs and egg products, and providing for the regulation of the business of breaking eggs for resale; providing for the procurement of a license to conduct such business; providing for the establishment of rules and regulations to carry out the purposes of this act; and providing penalties for violations hereof.

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

Section 1. Egg dealers to be licensed.—No person shall engage in the business of buying, selling, dealing in or trading in eggs without first having obtained from the Department of Agriculture, Dairy and Foods, hereinafter called the department, an egg candling license to conduct such business. Such license shall be issued upon proper application and the payment of one dollar as a license fee. All licenses so issued shall expire upon the first day of March next following the issuance thereof, but may be renewed from time to time for additional periods of one year upon presentation to the department of proper application therefor and the payment of a similar license fee.

Section 2. Sale of unfit eggs prohibited.—No person shall sell, offer or expose for sale, or have in his possession for sale, any egg unfit for human food, unless the same is broken and then denatured so that it cannot be used for such purpose, except that eggs in unbroken, artificially colored shells to be sold for animal food only under direct supervision of the department, may be kept for sale and sold for such purposes. For the purposes of this act, an egg shall be deemed unfit for human food if it be addled or mouldy, possess a black rot, a white rot, or a blood ring or blood spot; or if it has an adherent yolk, or a bloody or green white, or if it be incubated one day or more; or if it consists in whole or in part of a filthy, decomposed or putrid substance.

Section 3. Dockage.—No dealer, in buying or selling eggs, shall take or give a greater or less dockage for eggs unfit for human food as herein defined, than the actual dockage as determined by the correct candling of the eggs purchased or sold, nor shall he undergrade eggs purchased nor overgrade eggs sold as such grading is determined and classified from time to time by the department, and every such dealer shall keep such candling records as may be required by the rules and regulations of the department, which records shall be open at all time for department examination. The department shall be charged with the enforcement of this act, and shall have the authority to promulgate all such rules and regulations as are necessary to the enforcement thereof. Provided however, that nothing in this act shall be construed to make the grading of eggs compulsory.

Section 4. **Candling certificates.**—There shall be placed on the top layer under the top flat of each case of candled eggs, and one attached to the end of the case, by the person candling the same a candling certificate. The certificate shall be in such form as the department may by regulation prescribe. Such certificate shall show the name of the state, the date of candling of the eggs contained in the case in which it is placed with the statement of the grade thereof, over the initials or number of the candler, and the name and license number of the dealer.

Section 5. **License for re-sale dealers.**—No person shall engage in the business of breaking eggs for resale without first having secured from the department of agriculture a license to conduct such business, such license to be issued upon proper application and the payment of fifty dollars as a license fee. All licenses so issued shall expire on the first day of March next following the issuance thereof, but may be renewed from time to time for additional periods of one year upon presentation of proper application therefor and the payment of a similar license fee. The licensee shall at all times comply with the rules and regulations of the department in respect to the conduct of such business and any violation of the rules and regulations so established shall be cause for revocation of such license upon notice and after hearing, upon proper charges and specifications, filed with the department and served upon the licensee.

Section 6. **Department to supervise egg business.**—The department is hereby vested with the power and authority to supervise, regulate and make reasonable rules and regulations not inconsistent with the law, relative to grading, candling, breaking, purchasing and selling of eggs and egg products for the purpose of preserving and protecting the public health. In addition hereto, it is the express purpose herein that inasmuch as the breaking of eggs for resale is a matter of state concern, the surroundings in which such product is handled should be maintained in a sanitary condition, and, therefore, the department shall establish reasonable rules and regulations, not inconsistent with law, relative to the inspection of all establishments wherein the business of breaking eggs for resale is maintained, and whenever the sanitary conditions of any such establishments are such that the product is rendered, or is likely to be rendered, unclean, unsound, unhealthful, unwholesome or otherwise unfit for human consumption, it shall have authority to revoke such license to break eggs for resale until such time as the department is satisfied that such establishment is maintained in a sanitary condition. Such rules and regulations shall be approved as to form and legality by the attorney general and the same shall be published twice in a legal newspaper of general circulation published at the capitol of this state. From and after the tenth day succeeding the date of

last publication such rules and regulations shall have full force and effect. An affidavit of such publication, setting forth the said rules and regulations in full and the dates of such publication thereof shall be made by the publisher of such newspaper or by the manager or agent of such publisher, and shall be kept on file in the office of the department with the original of such rules and regulations. Such affidavit of publication, or a duly certified copy thereof, shall be prima facie evidence of the facts therein contained and of the establishing, adopting and publishing of the rules and regulations. The department shall have the right from time to time to adopt different rules and regulations in the same manner as herein set forth.

Section 7. License fees and fines to be credited to egg inspection fund.—All license fees collected hereunder, together with all fines paid for any violation of this act, shall be paid into the state treasury and credited to the Egg Inspection Fund hereby created. The money so derived is hereby appropriated to the department to compensate for and meet the expense of inspection and supervision, the cost of publication and of administration, and enforcement generally of this act.

Section 8. Violation a misdemeanor.—Any person who violates any provision of this act shall be guilty of a misdemeanor.

Section 9. Inconsistent acts modified or superseded.—All acts or parts of acts now in effect inconsistent with the provisions of this act are hereby superseded, modified or amended to conform to and give full force and effect to the provisions of this act.

Section 10. This act shall be in full force and take effect from and after its passage.

Approved April 26, 1937.

CHAPTER 472—H. F. No. 148

An act to provide for the publication of village proceedings.

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

Section 1. Publication of village proceedings.—The councils of all villages may cause to be published once, in some newspaper published in such village the official proceedings of such village, and such publication shall be made as soon as may be, and not later than