

general to bring action against the person to whom the patient was released and the sureties on the bond, and it shall be the duty of the attorney general to bring such action if warranted by the available evidence.

Approved April 20, 1945.

CHAPTER 426—S. F. No. 815

An act relating to state aid parkways, amending Minnesota Statutes 1941, Section 160.49.

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

Section 1. Minnesota Statutes 1941, Section 160.49 is hereby amended to read as follows:

160.49. County board to designate state aid parkways. The county board of any county may, with the consent of the commissioner of highways and the commissioner of conservation, designate any established road or specified portion thereof, including portions lying within *the established limits of a state institution*, a public park or public recreational area in its county as a state aid parkway which road connects with a trunk highway and a *state institution*, public park or public recreational area, and construct, reconstruct, improve and maintain the same in accordance with the regulations of the commissioner of highways relative to state aid parkways.

Allotments made under authority of sections 160.42 and/or 296.33, specifically designated for the construction, improvement or maintenance of such state aid parkways need not be matched by the county.

Approved April 20, 1945.

CHAPTER 427—S. F. No. 826

An act regulating the manufacture, sale and transportation of economic poisons and devices and the labeling thereof and prescribing penalties for the violation of this act; and repealing Minnesota Statutes 1941, Sections 24.02, Subdivision 4, 24.07, 24.08, 24.09, 24.10 and 24.11.

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

Section 1. **Definitions.** Certain terms appearing in this Act shall be defined as follows:

(a) The term "economic poison" shall include any substance or mixture of substances intended for use in preventing, destroying, repelling, or mitigating any and all insects, rodents, fungi (including bacteria), and other forms of plant or animal life which the Commissioner of Agriculture, Dairy and Food shall declare to be a pest.

(b) The term "device" shall include any instrument or contrivance intended for trapping, destroying, or repelling insects, or destroying fungi or other pests designated by the Commissioner of Agriculture, Dairy and Food, except rodent traps.

(c) The term "ingredient statement" shall mean (1) a statement of the name and percentage of each active ingredient together with the total percentage of the inert ingredients in an economic poison, or, (2) a statement of the name and percentage of each inert ingredient, or, (3) a statement "active ingredients 100%" when the economic poison consists of ingredients each of which will prevent, destroy, repel or mitigate insects, fungi, rodents, or other pests; provided, however, that Option 1 shall apply if the economic poison is highly toxic to man.

(d) The term "insecticide" means any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any insects which may be present in any environment whatsoever.

(e) The term "fungicide" means any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any fungi which may be present in any environment whatsoever except on or in living man or other animals.

(f) The term "rodenticide" means any substance or mixture of substances intended for preventing, destroying, repelling or mitigating rodents.

(g) The term "person" shall include any individual, firm, corporation, partnership, association, trust, joint stock company, or unincorporated organization.

(h) The term "Commissioner" as used in this Act, shall mean the Commissioner of the Department of Agriculture, Dairy and Food of the State of Minnesota.

(i) The term "label" means the written, printed or graphic matter on the immediate container of the article or on the article itself and also on the outside container or wrapper, if any there be, of the individual consumer package of such article. The label shall contain the following mandatory information: (1) the name, brand or trademark of the product; (2) the name and address of the manufacturer or distributor; (3) the net weight or measure, as the case may be, which is contained in the package; (4) a complete ingredient statement as outlined in Section 1 (c).

(j) The term "labelling" means all labels and other written, printed or graphic matter, (1) upon any article or any of its containers or wrappers, (2) accompanying such article, (3) to which reference is made on the label or literature accompanying such article, or (4) which relates or refers to the article for the purpose of inducing the sale thereof.

(k) The term "adulterated" shall apply to any economic poison if its strength or purity falls below the professed standards or quality under which it is sold, if any substance has been substituted wholly or in part for the article, or if any valuable constituent of the article has been wholly or in part abstracted; in the case of an insecticide or fungicide, if it is intended for use on vegetation or animals and shall cause injury of economic importance to such vegetation or animals when used as directed; and, in the case of a rodenticide if its strength is less than the minimum standard set by regulation promulgated by the Commissioner of Agriculture, Dairy and Food.

(l) The term "misbranded" shall apply to any economic poison or device if its labeling bears any statement, design, or graphic representation relative to the article or its ingredients which is false or misleading in any particular or if the labeling accompanying the article does not contain adequate instructions for use; and to any economic poison if it be an imitation or offered for sale under the name of another article or if its label fails to bear the ingredient statement plainly and correctly on the principal panel of the individual container and on the carton or outer container label if there be one.

(m) No white powder economic poison highly toxic to man as placed on the market for use in homes, buildings, ships and other enclosed places for human occupancy may be sold for insecticidal use unless distinctly discolored or colored to such an extent that confusion of the same with a harmless or non-toxic article is unlikely to occur. The Commissioner may make regulations for the enforcement hereof, giving due con-

sideration to uniformity with color requirements promulgated by the federal government, after investigation and public hearing on the question of the necessity of said regulations in the public interest.

Sec. 2. Registration; fees. (a) Any person, before selling or offering for sale any economic poison for use as an insecticide or fungicide within this state, shall annually file with the Commissioner of Agriculture, Dairy and Food, an application for registration of such economic poison giving the following information, to-wit: (1) The name and address of each manufacturer or distributor; (2) the name and brand, if any, of each product registered, together with an ingredient statement of each product registered, in accordance with Section 1 (c) of this Act, and accompanying each registration application there shall be filed with the Commissioner, a label of each product so registered. If the Commissioner finds that the application conforms to law he shall issue to the applicant a certificate of registration of the product. If the application is denied the product shall not be offered for sale.

(b) Each application for registration shall be accompanied by an inspection fee of \$5 for each product registered; however, the total registration fees for any one person shall not exceed the sum of \$25. But in cases where the registration fees have been paid by the manufacturer, jobber, or any person, as required by this section, then in that event nothing in this section shall be construed as applying to retail dealers selling economic poisons. All such registration fees collected by the Commissioner of Agriculture, Dairy and Food shall be paid into the State Treasury and be credited to the General Revenue Fund.

(c) Each registration fee of \$5 or \$25, if more than four products are registered by one registrant, shall expire on the 30th day of June following its issue and no certificate of registration shall be issued for a term longer than one year, and shall not be transferable from one person to another, or from the ownership to whom issued to another ownership, or from one place to another place or location. A penalty of 50 per cent of the license or registration fee shall be imposed if license or certificate of registration is not applied for on or before July 1st of each year, or within the same month such economic poisons are first manufactured or sold within this state.

Sec. 3. Right of inspection. For obtaining information regarding the suspected violations of law, the Commissioner, his assistants, appointees, agents and employees shall have

access to all places where any economic poison or other articles, the manufacture, sale, use or transportation of which is restricted, regulated or prohibited by this Act or by any law of this state; and they may inspect any package, receptacle or container found therein apparently containing any economic poisons or ingredients thereof, or any other article, the manufacture, use, sale or transportation of which is restricted, regulated or forbidden by this Act or by any law of this state and may take samples therefrom for analysis. Any person obstructing such entry or inspection or failing upon request to assist therein, shall be guilty of a misdemeanor.

Sec. 4. **Seizure; search; warrants.** The Commissioner may seize all economic poisons or similar articles, the manufacture, transportation, sale or use of which is prohibited by this Act or which is manufactured, sold, used, transported, kept or offered for sale, use or transportation, or had in possession with intent to sell, use or transport in violation of any provision of this Act or in violation of any rule, regulations, definition, standard or ruling made, adopted, published hereunder and for this purpose he and his several assistants, inspectors, agents and employees shall have the power of a constable. Such seizures may be made without a warrant, but in such case as soon as practicable, he shall cause the person suspected of such violation of law to be arrested and prosecuted therefor. When necessary, a search warrant may be issued as in the case of stolen property, the form of the complaint and of the warrant being adopted to the purpose of this Act.

Sec. 5. **Rules and regulations.** For the purposes aforesaid, it shall also be the duty of the Commissioner of Agriculture, Dairy and Food to make and publish uniform rules and regulations, not inconsistent with law, for carrying out and enforcing the provisions of this Act, which rules and regulations shall be approved by the attorney general as to form and legality. Before any such rules and regulations shall be deemed to be fixed and adopted, the ruling or rulings fixing and adopting the same shall be published twice in a legal newspaper of general circulation, published at the Capital of this State, and from and after the tenth day succeeding the date of the last such publication, such ruling or rulings shall have the force and effect of law. An affidavit of such publication, setting forth the said ruling or rulings 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 by the Commissioner in his office with the original of such ruling or rulings. Such affidavit of publication, or a duly certified copy thereof, shall be prima facie evidence

of the facts therein contained and of the due fixing, adopting and publishing of said ruling or rulings therein set forth. Any person who shall manufacture, use, sell, transport, offer for use, sale or transportation, or have in possession with intent to use, sell or transport any economic poison or similar article contrary to the provisions of any such rule or regulation or who shall fail to comply with any such rule or regulation, shall be guilty of a violation of this Act.

Sec. 6. Labels. Any economic poison determined by the Commissioner to be highly toxic to man shall bear upon the label in plain, legible type, (1) the word "poison" on a background of distinctly contrasting color, and, (2) an antidote, if known, for the poison or poisons contained therein and, (3) the skull and crossbones.

Sec. 7. Penalties. Any person violating any of the provisions of this Act or any regulations made hereunder or now in force, shall be guilty of a misdemeanor and be punished by a fine of not less than \$25, or by imprisonment in the county jail for not less than 30 days for the first offense, and in the sum of not less than \$50 or by imprisonment in the county jail for not less than 60 days for each subsequent offense.

Sec. 8. Severable. If any section, sub-section, clause or phrase of this Act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Act. The Legislature hereby declares that it would have passed this Act and each section, sub-section, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, sub-sections, sentences, clauses or phrases be declared unconstitutional.

Sec. 9. When not applicable. The provisions of this act, except Section 3, shall not apply to (1) finished economic poisons in transit through the state or in storage within the state intended for and sold outside of the state; (2) economic poison ingredient materials in transit or in storage intended for manufacturing, processing, mixing or repacking; (3) common or private carriers and warehousemen while engaged in lawfully transporting and storing economic poisons; (4) public officers while engaged in the performance of their official duties; or (5) any employee of the foregoing while acting in the scope of employment.

Sec. 10. Enforcement. The Commissioner of Agriculture, Dairy and Food of the state is charged with the proper enforcement of all the provisions of this Act.

Sec. 11. **Repeal.** Minnesota Statutes 1941, Section 24.02, Subdivision 4, 24.07, 24.08, 24.09, 24.10 and 24.11 are hereby repealed.

Sec. 12. **Effective date.** This Act shall take effect and be in force from July 1, 1945.

Approved April 20, 1945.

CHAPTER 428—H. F. No. 326

An act relating to highway traffic regulations and providing for brake testing stations; amending Minnesota Statutes 1941, Section 169.77.

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

Section 1. Minnesota Statutes 1941, Section 169.77, is amended to read as follows:

169.77. **Adjusting headlights.** The commissioner is hereby authorized and required to designate, furnish instructions to and to supervise official stations for adjusting head lamps and auxiliary driving lamps *and official stations for testing brakes* to conform with the provisions of this act. When head lamps and auxiliary driving lamps or brakes have been adjusted in conformity with the instructions issued by the commissioner a certificate of adjustment shall be issued to the driver of the motor vehicle on forms issued in duplicate by the commissioner showing date of issue, registration number of the motor vehicle, owner's name, make of vehicle and official designation of the adjusting station.

The driver of any motor vehicle equipped with approved head lamps, auxiliary driving lamps, rear lamps or signal lamps, who is arrested upon a charge that such lamps are improperly adjusted or are equipped with bulbs of a candle-power not approved for use therewith, shall be allowed 48 hours within which to bring such lamps into conformance with requirements of this act. It shall be a defense to any such charge that the person arrested produce in court or submit to the prosecuting attorney a certificate from an official adjusting station showing that within 48 hours after such arrest, such lamps or brakes have been made to conform with the re-