

sign, offer for sale, expose for sale, or have in possession with intent to sell, oleomargarine, without first having obtained a license granted by the commissioner, who shall provide a suitable blank form of application for the use of the applicant. The fee for license shall be \$3, and it shall expire June 30th next after its issue and no license shall be issued for a longer term than one year and it shall not be transferable from one person to another person, or from the ownership to whom issued to another ownership. A separate license shall be procured for each place from which sale is made, and shall be posted at all times at such place. *If a license is not applied for on or before July 1st of each year or within 30 days after such applicant has manufactured, sold, shipped, consigned, offered for sale, exposed for sale, or had in possession with intent to sell oleomargarine, within this state, a penalty of 10 per cent of the license fee shall be imposed for each month thereafter; provided that in no case shall the penalty exceed the amount of the license fee.*

Approved February 19, 1959.

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#### CHAPTER 20—H. F. No. 167

*An act relating to occupational disease under the Workmen's Compensation Act; amending Minnesota Statutes 1957, Section 176.011, Subdivision 15, and Section 176.66, Subdivision 3.*

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

Section 1. Minnesota Statutes 1957, Section 176.011, Subdivision 15, is amended to read:

Subd. 15. **Occupational disease.** "Occupational disease" means a disease arising out of and in the course of employment peculiar to the occupation in which the employee is engaged and due to causes in excess of the hazards ordinary of employment and shall include undulant fever. Ordinary diseases of life to which the general public is equally exposed outside of employment are not compensable, except where such diseases follow as an incident of an occupational disease, or where the exposure peculiar to the occupation makes such disease an occupational disease hazard. A disease arises out of the employment only if there be a direct causal connection between the conditions under which the work is performed and if the occupational disease follows as a natural incident

of the work as a result of the exposure occasioned by the nature of the employment. An employer is not liable for compensation for any occupational disease which cannot be traced to the employment as a direct and proximate cause and is not recognized as a hazard characteristic of and peculiar to the trade, occupation, process, or employment or which results from a hazard to which the workman would have been equally exposed outside of the employment. If immediately preceding the date of his disablement or death, an employee was employed on active duty with an organized fire or police department of any municipality, *or as a member of the Minnesota highway patrol*, and his disease is that of myocarditis, coronary sclerosis, pneumonia or its sequel, and at the time of his employment such employee was given a thorough physical examination by a licensed doctor of medicine, and a written report thereof has been made and filed with such organized fire or police department *or with the Minnesota highway patrol* which examination and report negated any evidence of myocarditis, coronary sclerosis, pneumonia or its sequel, the disease is presumptively an occupational disease and shall be presumed to have been due to the nature of his employment.

Sec. 2. Minnesota Statutes 1957, Section 176.66, Subdivision 3, is amended to read:

Subd. 3. **Disease contracted within year, exceptions.** Neither the employee nor his dependents are entitled to compensation for disability or death resulting from occupational disease, unless such disease is due to the nature of his employment as defined in section 176.011, subdivision 15, and was contracted therein within 12 months previous to the date of disablement; except in the case of silicosis or asbestosis, in which cases disablement of the employee must occur within three years from the date of such employee's last exposure with an employer in an employment to the nature of which the disease may have been a hazard, and except if immediately preceding the date of his disablement or death, an employee was employed on active duty with an organized fire or police department of any municipality, *or as a member of the Minnesota highway patrol*, and his disease is that of myocarditis, coronary sclerosis, pneumonia or its sequel, the disease shall be presumed to have been contracted therein within 12 months previous to the date of disablement.

Approved February 19, 1959.

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