

30.24 Penalties. Subdivision 1. Any person violating any of the provisions of sections ~~30.02 to 30.09~~ *30.04, 30.06, 30.08, 30.10 to 30.15, 30.16 to 30.20* or any rules or regulations made thereunder, shall be guilty of a misdemeanor for the first offense and a gross misdemeanor for each subsequent offense, and such conviction may be proper cause for the suspension or forfeiture or cancelation of any license held by the person so convicted.

Sec. 14. *Minnesota Statutes 1957, Sections 30.01, Subdivisions 3, 7, and 8, 30.02, 30.03, 30.05, 30.07, 30.09, 30.18, and 30.24, Subdivisions 2 and 3, are repealed.*

Approved March 23, 1961.

CHAPTER 146—H. F. No. 60

[Coded in Part]

An act relating to chemicals and chemical compounds; amending Minnesota Statutes 1957, Sections 24.02, Subdivisions 1, 2, 3, 4, 5, and 13; 24.04; 24.073, Subdivisions 1 and 2; 24.074; 24.075; 24.076; 24.077; 24.12, Subdivision 2; and 24.30.

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

Section 1. Minnesota Statutes 1957, Section 24.02, Subdivision 1, is amended to read:

24.02 Definitions; caustic alkali or acid act. Subdivision 1. **Terms.** Unless the language or context clearly indicates that a different meaning is intended, the terms defined in subdivisions 2 and 3 shall, for the purposes of sections 24.03 to 24.06, be given *have* the meanings *subjoined given* to them; ~~the term defined in subdivision 4 shall, for the purposes of sections 24.10 to 24.21, be given the meaning subjoined to it, and the word defined in subdivision 5 shall, for the purposes of sections 24.14 to 24.17, be given the meaning subjoined to it; and the terms defined in subdivisions 6 to 17 shall, for the purposes of sections 24.071 to 24.077, be given the meanings subjoined to them.~~

Sec. 2. Minnesota Statutes 1957, Section 24.02, Subdivision 2, is amended to read:

Subd. 2. **Dangerous caustic or corrosive substance.** The term "dangerous caustic or corrosive substance" means each and all of the acids, alkalis, and substances named below:

Changes or additions indicated by *italics*, deletions by ~~strikeout~~.

(1) Hydrochloric acid and any preparation containing free or chemically unneutralized hydrochloric acid (HCl) in a concentration of ten percent or more;

(2) Sulphuric acid and any preparation containing free or chemically unneutralized sulphuric acid (H_2SO_4) in a concentration of ten percent or more;

(3) Nitric acid or any preparation containing free or chemically unneutralized nitric acid (HNO_3) in a concentration of five percent or more;

(4) Carbohic acid ($\text{C}_6\text{H}_5\text{OH}$), otherwise known as phenol, and any preparation containing carbohic acid in a concentration of five percent or more;

(5) Oxalic acid and any preparation containing free or chemically unneutralized oxalic acid ($\text{H}_2\text{C}_2\text{O}_4$) in a concentration of ten percent or more;

(6) Any salt of oxalic acid and any preparation containing any such salt in a concentration of ten percent or more;

(7) Acetic acid or any preparation containing free or chemically unneutralized acetic acid ($\text{HC}_2\text{H}_3\text{O}_2$) in a concentration of 20 percent or more;

(8) Hypochlorous acid, either free or combined, and any preparation containing the same in a concentration so as to yield ten percent or more by weight of available chlorine, excluding calx, chlorinata, bleaching powder, and chloride of lime;

(9) Potassium hydroxide and any preparation containing free or chemically unneutralized potassium hydroxide (KOH), including caustic potash and Vienna paste, in a concentration of ten percent or more;

(10) Sodium hydroxide and any preparation containing free or chemically unneutralized sodium hydroxide (NaOH), including caustic soda and lye, in a concentration of ten percent or more;

(11) Silver nitrate, sometimes known as lunar caustic, and any preparation containing silver nitrate (AgNO_3) in a concentration of five percent or more;

(12) Ammonia water and any preparation yielding free or chemically uncombined ammonia (NH_3), including

Changes or additions indicated by *italics*, deletions by ~~strikeout~~.

ammonium hydroxide and hartshorn, in a concentration of five percent or more;

(13) Hydrogen cyanide or any preparation containing any hydrogen cyanide or any salt of hydrocyanic acid in any concentration whatsoever;

(14) Carbon tetrachloride or any preparation containing carbon tetrachloride in a concentration of five percent by weight or more; and

(15) Substances which, after due notice and hearing as prescribed by Minnesota Statutes, ~~section 15.042, relating to the adoption of rules and regulations~~ the commissioner of agriculture, dairy and food determines to be injurious to persons and animals because such substances are poisonous, caustic, corrosive, or inherently dangerous by virtue of the chemical composition or characteristics thereof; provided, however, that this provision shall not apply to products registered, regulated by, and labeled in accordance with the Economic Poisons and Devices Law, Minnesota Statutes, Section 24.02, subdivisions 6, through 17, *and section sections 24.071 through 24.077.*

Sec. 3. Minnesota Statutes 1957, Section 24.02, Subdivision 3, is amended to read:

Subd. 3. **Misbranded parcel, package, or container.** The term "misbranded parcel, package, or container" means a retail parcel, package, or container of any dangerous poisonous, toxic, caustic, or corrosive substance for household use, as defined by law or by standards or regulations promulgated by the commissioner of agriculture, dairy and food, in accordance with ~~section 15.042, Minnesota Statutes,~~ law not bearing a conspicuous, easily legible label or sticker, containing:

(1) The name of the article;

(2) The name and place of business of the manufacturer, packer, seller, or distributor;

(3) The word "POISON", on any substances described in section 24.02, subdivision 2, paragraphs (1) to (13) inclusive, running parallel with the main body of reading matter on such label or sticker, on a clear, plain background of a distinctly contrasting color, in uncondensed Gothic capital letters, the letters to be not less than 24 point size, unless there is on the label or sticker no other type so large, in which event the type shall be not smaller than the largest type on

Changes or additions indicated by *italics*, deletions by ~~strikeout~~.

the label or sticker; and the word "CAUTION" or "WARNING" on any substances described in section 24.02, subdivision 2, paragraph (14), which words should be in a prominent location on the label and should be printed in easily legible type which is in contrast by typography, layout, or color with other printed matter on the label. The label should be affixed firmly to and in a conspicuous place on the container; and

(4) The name of each poisonous, toxic, caustic, or corrosive substance together with directions for treatment in case of accidental personal injury.

Sec. 4. Minnesota Statutes 1957, Section 24.02, Subdivision 4, is amended to read:

Subd. 4. **Definition; preservative compound.** *For the purposes of Minnesota Statutes, Sections 24.19 to 24.21 the term "preservative compound" includes all articles used for preservative purposes, whether simple, mixed, or compound, and any substance used as a constituent in the manufacture thereof.*

Sec. 5. Minnesota Statutes 1957, Section 24.02, Subdivision 5, is amended to read:

Subd. 5. **Paint defined.** *For the purposes of Minnesota Statutes, Sections 24.14 to 24.17, the term "paint" includes white lead in any kind of oil, or any compound intended for the same use, paste, or semi-paste, and liquid or mixed paint ready for use.*

Sec. 6. Minnesota Statutes 1957, Section 24.02, Subdivision 13, is amended to read:

Subd. 13. **Label.** 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) Minnesota Statutes, Section 24.02, Subdivision 8.*

Sec. 7. Minnesota Statutes 1957, Section 24.04, is amended to read:

Changes or additions indicated by italics, deletions by strikeout.

24.04 Seizure of misbranded packages. Any dangerous caustic or corrosive substance in a misbranded parcel, package, or container suitable for household use, that is being sold, bartered, or exchanged, or held, displayed, or offered for sale, barter, or exchange, shall be liable to be seized and to be proceeded against in any court within the jurisdiction of which the same is found in manner and form as provided in ~~Laws 1921, Chapter 495, Minnesota Statutes, Sections 31.04 to 31.09 and 31.13 to 31.15~~, for seizure of and proceedings in case of food, and may be disposed of as therein provided.

Sec. 8. [24.069] Definitions; economic poisons and devices. *Subdivision 1. For the purposes of Minnesota Statutes, Sections 24.02, Subdivisions 6 to 17, and Sections 24.071 to 24.077, the terms defined in Minnesota Statutes, Section 24.02, Subdivisions 6 to 17, have the meanings given them.*

Sec. 9. Minnesota Statutes 1957, Section 24.073, Subdivision 1, is amended to read:

24.073 Inspection and seizure. Subdivision 1. **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 ~~Laws 1945, Chapter 427, Minnesota Statutes, Sections 24.02, Subdivisions 6 to 17, and 24.071 to 24.077~~, 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 ~~Laws 1945, Chapter 427, Minnesota Statutes, Sections 24.02, Subdivisions 6 to 17, and 24.071 to 24.077~~, 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. 10. Minnesota Statutes 1957, Section 24.073, Subdivision 2, is amended to read:

Subd. 2. Seizure; search; warrants. The commissioner may seize all economic poisons or similar articles, the manufacture, transportation, sale or use of which is prohibited by ~~Laws 1945, Chapter 427, Minnesota Statutes, Sections 24.02, Subdivisions 6 to 17, and 24.071 to 24.077~~, or which is

Changes or additions indicated by italics, deletions by strikeout.

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 ~~Laws 1945, Chapter 427, Minnesota Statutes, Sections 24.02, Subdivisions 6 to 17, and 24.071 to 24.077~~, or in violation of any rule, regulation, 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 ~~Laws 1945, Chapter 427 Minnesota Statutes, Sections 24.02, Subdivisions 6 to 17, and 24.071 to 24.077~~.

Sec. 11. Minnesota Statutes 1957, Section 24.074, is amended to read:

24.074 Rules. For the purposes aforesaid, it shall also be the duty of the commissioner to make and publish uniform rules and regulations, not inconsistent with law, for carrying out and enforcing the provisions of ~~Laws 1945, Chapter 427, Minnesota Statutes, Sections 24.02, Subdivisions 6 to 17, and 24.071 to 24.077~~, as amended, which rules and regulations shall be promulgated in accordance with ~~section 15.042 law~~. 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 ~~Laws 1945, Chapter 427 Minnesota Statutes, Sections 24.02, Subdivisions 6 to 17, and 24.071 to 24.077~~.

Sec. 12. Minnesota Statutes 1957, Section 24.075, is amended to read:

24.075 Exceptions. The provisions of ~~Laws 1945, Chapter 427, Minnesota Statutes, Sections 24.02, Subdivisions 6 to 17, and 24.071 to 24.077~~, except ~~section 3 24.073, Subdivision 1~~, 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

Changes or additions indicated by italics, deletions by strikeout.

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. 13. Minnesota Statutes 1957, Section 24.076, is amended to read:

24.076 Enforcement. The commissioner is charged with the proper enforcement of all the provisions of ~~Laws 1945, Chapter 427~~ *Minnesota Statutes, Sections 24.02, Subdivisions 6 to 17, and 24.071 to 24.077.*

Sec. 14. Minnesota Statutes 1957, Section 24.077, is amended to read:

24.077 Penalties. Whoever shall expose for sale or sell within this state any economic poison which is labeled, adulterated or misbranded in any manner other than as specified or required by section 24.02, subdivisions 8, 13, 14, 15, and 16, or which is not accurately labeled in the manner specified and required by said subdivisions of section 24.02 or any person violating any of the provisions of ~~Laws 1945, Chapter 427, Minnesota Statutes, Sections 24.02, Subdivisions 6 to 17, and 24.071 to 24.077,~~ or any regulations made hereunder or now in force, upon conviction thereof, 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 or both for each subsequent offense.

Sec. 15. Minnesota Statutes 1957, Section 24.12, Subdivision 2, is amended to read:

Subd. 2. Limitation on sale of replacement oil. No person shall sell in this state after October 1, 1947, linseed replacement oil as defined in this section. ~~If, in the opinion of the commissioner of agriculture, dairy, and food, the shortage of flax seed justifies an extension of time beyond the limitation set forth in this section for the sale of linseed replacement oil, he may extend such limitation of time, but such extension shall not extend beyond October 1, 1948.~~

Sec. 16. Minnesota Statutes 1957, Section 24.30, is amended to read:

24.30 Enforcement; rules. The commissioner is charged with the enforcement of all the provisions of sec-

Changes or additions indicated by italics, deletions by strikeout.

tions 24.24 to 24.31, and shall have authority to promulgate rules and regulations as provided in section 15.042 by law.

Sec. 17. [31.406] **Enforcement.** *The commissioner shall enforce the provisions of Minnesota Statutes, Sections 24.02, Subdivision 4, 24.19 to 24.21, and 24.23, Subdivision 3.*

Approved March 23, 1961.

CHAPTER 147—H. F. No. 61

[Coded in Part]

An act relating to dairy products; amending Laws 1953, Chapter 157, Section 1; amending Minnesota Statutes 1957, Sections 31.19; 31.24; 31.26; 32.01, Subdivision 1 and adding a subdivision; 32.09; 32.10; 32.21; 32.25, Subdivision 1; 32.26; 32.27; 32.37; 32.397; 32.491, Subdivision 1; 32.51, Subdivision 1; 32.511, Subdivision 2; and 32.533; repealing Minnesota Statutes 1949, Section 32.17; repealing Minnesota Statutes 1953, Section 32.50, Subdivision 9; and Section 32.51, Subdivision 6; repealing Minnesota Statutes 1957, Sections 32.01, Subdivision 5; 32.08; 32.13; 32.14; 32.15; 32.16; 32.394, Subdivision 10; 32.50; Subdivisions 1, 8, and 10; 32.51, Subdivisions 2, 4, 5, and 7; and 32.52, Subdivision 1.

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

ARTICLE I

Section 1. Minnesota Statutes 1957, Section 32.01, Subdivision 1, is amended to read:

32.01 Definitions. Subdivision 1. **Terms.** Unless the language or context clearly indicates that a different meaning is intended, the words defined in this section and in Minnesota Statutes, Section 32.511, Subdivision 2, shall for the purposes of this chapter, and for Minnesota Statutes, Section 31.01, Subdivisions 6 to 17, Sections 31.19 to 31.27, and Section 31.44, Subdivisions 2 and 3, be given have the meanings subjoined given to them.

Sec. 2. Minnesota Statutes 1957, Section 32.01, is amended by adding a subdivision to read:

[Subd. 11.] **Adulterated.** *“Adulterated” has the*

Changes or additions indicated by italics, deletions by strikeout.