

acting as a director and the vacancy so caused shall be filled under the provisions of section 2 of this act.

Sec. 7. Minnesota Statutes 1967, Sections 447.17 to 447.22, which now apply only to the city of Duluth and its board of directors of trusts, are repealed.

Sec. 8. This act applies only to the city of Duluth. It shall become effective upon final enactment, without local approval.

Became law without governor's signature.

Filed April 28, 1969.

CHAPTER 225—H. F. No. 386

[Coded]

An act relating to agriculture; regulating the slaughter, preparation, and handling of meat in commerce within the state; and prescribing penalties.

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

Section 1. [31A.01] **Minnesota meat inspection act; declaration of policy.** Meat and meat food products are an important source of the nation's total supply of food. It is essential in the public interest that the health and welfare of consumers be protected by assuring that meat and meat food products distributed to them are wholesome, not adulterated, and properly marked, labeled, and packaged. Unwholesome, adulterated, or misbranded meat or meat food products are injurious to the public welfare, destroy markets for wholesome, not adulterated, and properly labeled and packaged meat and meat food products, and result in sundry losses to livestock producers and processors of meat and meat food products, as well as injury to consumers. The unwholesome, adulterated, mislabeled, or deceptively packaged articles can be sold at lower prices and compete unfairly with the wholesome, not adulterated, and properly labeled and packaged articles, to the detriment of consumers and the public generally. It is hereby found that regulation by the commissioner and cooperation by this state and the United States as contemplated by this act are appropriate to protect the health and welfare of consumers and otherwise effectuate the purposes of this act.

Sec. 2. [31A.02] **Definitions.** Subdivision 1. As used

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in this act, except as otherwise specified, the following terms shall have the meanings given in this section.

Subd. 2. "Commissioner" means the commissioner of the Minnesota department of agriculture or his delegate.

Subd. 3. "Person" means an individual, partnership, corporation, association, or other unincorporated business organization.

Subd. 4. "Animal" means cattle, swine, sheep, goats, horses, equines, or other large domesticated animals, and shall not include poultry.

Subd. 5. "Custom meat processing" means the slaughtering and dressing of an animal or the processing of meat products for the owner of the animal or of the meat products when all meat products derived from custom slaughter are returned to the owner of the animal or of the meat products. No person shall sell, offer for sale, or have in his possession with intent to sell any meat derived from custom meat processing.

Subd. 6. "Meat broker" means any person engaged in the business of buying or selling carcasses, parts of carcasses, meat, or meat food products of animals on commission, or otherwise negotiating purchases or sales of those articles other than for his own account or as an employee of another person, firm, or corporation.

Subd. 7. "Renderer" means any person, firm, or corporation engaged in the business of rendering carcasses, or parts or products of the carcasses of animals, except rendering conducted under inspection under sections 1 to 16.

Subd. 8. "Animal food manufacturer" means any person, firm, or corporation engaged in the business of manufacturing or processing animal food derived wholly or in part from carcasses, or parts or products of the carcasses, of animals.

Subd. 9. "Intrastate commerce" means commerce within this state.

Subd. 10. "Meat food product" means any product capable of use as human food which is made wholly or in part from any meat or other portion of the carcass of any cattle, sheep, swine, or goats, excepting products which contain meat or other portions of the carcasses of cattle, sheep, swine, or goats only in a relatively small proportion or historically have not been considered by consumers as products of the meat food industry, and which are exempted from definition as a meat food product by the commissioner under the con-

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ditions he prescribes to assure that the meat or other portions of carcasses contained in the products are not adulterated and that the products are not represented as meat food products. This term as applied to food products of equines shall have a meaning comparable to that provided in this subdivision for cattle, sheep, swine, and goats.

Subd. 11. "Capable of use as human food" shall apply to any carcass, or part or product of a carcass, of any animal, unless it is denatured or otherwise identified as required by regulations prescribed by the commissioner to deter its use as human food, or it is naturally inedible by humans.

Subd. 12. "Prepared" means slaughtered, canned, salted, rendered, boned, cut up, or otherwise manufactured or processed.

Subd. 13. "Adulterated" shall apply to any carcass, part thereof, meat or meat food product under one or more of the following circumstances:

(a) If it bears or contains any poisonous or deleterious substance which may render it injurious to health; but in case the substance is not an added substance, the article shall not be considered adulterated under this clause if the quantity of the substance in or on the article does not ordinarily render it injurious to health;

(b) (1) If it bears or contains, by reason of administration of any substance to the live animal or otherwise, any added poisonous or added deleterious substance (other than one which is (i) a pesticide chemical in or on a raw agricultural commodity; (ii) a food additive; or (iii) a color additive) which may, in the judgment of the commissioner make the article unfit for human food;

(2) If it is, in whole or in part, a raw agricultural commodity and the commodity bears or contains a pesticide chemical which is unsafe within the meaning of section 408 of the Federal Food, Drug, and Cosmetic Act;

(3) If it bears or contains any food additive which is unsafe within the meaning of section 409 of the Federal Food, Drug, and Cosmetic Act;

(4) If it bears or contains any color additive which is unsafe within the meaning of section 706 of the Federal Food, Drug, and Cosmetic Act; provided, that an article which is not adulterated under clause (2), (3), or (4), shall nevertheless be deemed adulterated if use of the pesticide chemical, food additive, or color additive in or on the article is prohibited by regulations of the commissioner in establishments at which inspection is maintained under sections 1 to 16.

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(c) If it consists in whole or in part of any filthy, putrid, or decomposed substance or is for any other reason unsound, unhealthful, unwholesome, or otherwise unfit for human food;

(d) If it has been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health;

(e) If it is, in whole or in part, the product of an animal which has died otherwise than by slaughter;

(f) If its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health;

(g) If it has been intentionally subjected to radiation, unless the use of the radiation was in conformity with a regulation or exemption in effect pursuant to section 409 of the Federal Food, Drug, and Cosmetic Act;

(h) If any valuable constituent has been in whole or in part omitted or abstracted therefrom; or if any substance has been substituted, wholly or in part therefor; or if damage or inferiority has been concealed in any manner; or if any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength, or make it appear better or of greater value than it is; or

(i) If it is margarine containing animal fat and any of the raw material used therein consisted in whole or in part of any filthy, putrid, or decomposed substance.

Subd. 14. "Misbranded" shall apply to any carcass, part thereof, meat or meat food product under one or more of the following circumstances:

(a) If its labeling is false or misleading in any particular.

(b) If it is offered for sale under the name of another food.

(c) If it is an imitation of another food, unless its label bears, in type of uniform size and prominence, the word "imitation" and immediately thereafter, the name of the food imitated.

(d) If its container is so made, formed, or filled as to be misleading.

(e) If in a package or other container unless it bears a label showing (1) the name and place of business of the manufacturer, packer, or distributor; and (2) an accurate statement of the quantity

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of the contents in terms of weight, measure, or numerical count; provided, that under clause (2) of this paragraph, reasonable variations may be permitted, and exemptions as to small packages may be established, by regulations prescribed by the commissioner.

(f) If any word, statement, or other information required by or under authority of this act to appear on the label or other labeling is not prominently placed thereon with conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) and in terms that render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use:

(g) If it purports to be or is represented as a food for which a definition and standard of identity or composition has been prescribed by regulations of the commissioner under section 7 of this act unless (1) it conforms to the definition and standard, and (2) its label bears the name of the food specified in the definition and standard and, insofar as may be required by the regulations, the common names of optional ingredients (other than spices, flavoring, and coloring) present in such food.

(h) If it purports to be or is represented as a food for which a standard or standards of fill of container have been prescribed by regulations of the commissioner under section 7 of this act, and it falls below the standard of fill of container applicable thereto, unless its label bears, in the manner and form the regulations specify, a statement that it falls below the standard.

(i) If it is not subject to the provisions of paragraph (g), unless its label bears (1) the common or usual name of the food, if there be any, and (2) in case it is fabricated from two or more ingredients, the common or usual name of each ingredient; except that spices, flavorings, and colorings may, when authorized by the commissioner, be designated as spices, flavorings, and colorings without naming each. To the extent that compliance with the requirements of clause (2) of this paragraph is impracticable, or results in deception or unfair competition, exemptions shall be established by regulations promulgated by the commissioner.

(j) If it purports to be or is represented for special dietary uses, unless its label bears the information concerning its vitamin, mineral, and other dietary properties that the commissioner, after consultation with the Secretary of Agriculture of the United States, determines to be, and by regulations prescribes as, necessary in order fully to inform purchasers of its value for special dietary uses.

(k) If it bears or contains any artificial flavoring, artificial

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coloring, or chemical preservative, unless it bears labeling stating that fact. To the extent that compliance with the requirements of this paragraph is impracticable, exemptions shall be established by regulations promulgated by the commissioner.

(l) If it fails to bear, directly thereon or on its container, as the commissioner by regulations prescribes, the inspection legend and, unrestricted by any of the foregoing, the other information the commissioner may require in regulations to assure that it will not have false or misleading labeling and that the public will be informed of the manner of handling required to maintain the article in a wholesome condition.

Subd. 15. "Label" means a display of written, printed, or graphic matter upon the immediate container (not including package liners) of any article.

Subd. 16. "Labeling" means all labels and other written, printed, or graphic matter (1) upon any article or any of its containers or wrappers, or (2) accompanying an article.

Subd. 17. "Federal Meat Inspection Act" means the act so entitled approved March 4, 1907, (34 Statutes at Large 584)..

Subd. 18. "Federal Food, Drug, and Cosmetic Act" means the act so entitled, approved June 25, 1938 (52 Statutes at Large 1040), and acts amendatory thereof or supplementary thereto.

Subd. 19. "Pesticide chemical", "food additive", "color additive", and "raw agricultural commodity" shall have the same meanings for purposes of this act as under the Federal Food, Drug, and Cosmetic Act.

Subd. 20. "Official mark" means the official inspection legend or any other symbol prescribed by regulation of the commissioner to identify the status of any article or animal under this act.

Subd. 21. "Official inspection legend" means any symbol prescribed by regulation of the commissioner showing that an article was inspected and passed in accordance with this act.

Subd. 22. "Official certificate" means any certificate prescribed by regulation of the commissioner for issuance by an inspector or other person performing official functions under this act.

Subd. 23. "Official device" means any device prescribed or authorized by the commissioner for use in applying any official mark.

Sec. 3. [31A.03] **Inspection of live animals; disposition of**

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defective animals. For the purpose of preventing the use in intrastate commerce, as hereinafter provided, of meat and meat food products which are adulterated, the commissioner shall cause to be made, by inspectors appointed for that purpose, an examination and inspection of all animals before they shall be allowed to enter into any slaughtering, packing, meat-canning, rendering, or similar establishment in this state in which slaughtering and preparation of meat and meat food products of animals are conducted solely for intrastate commerce; and animals found on inspection to show symptoms of disease shall be set apart and slaughtered separately from all other animals, and when so slaughtered, the carcasses of those animals shall be subject to a careful examination and inspection, as provided by the rules and regulations to be prescribed by the commissioner.

Sec. 4. [31A.04] **Inspection of carcasses and parts; marking; disposition of condemned carcasses.** For the purposes hereinbefore set forth the commissioner shall cause to be made by inspectors appointed for that purpose, as hereinafter provided, a post-mortem examination and inspection of the carcasses and parts thereof of all animals capable of use as human food, to be prepared at any slaughtering, meat canning, salting, packing, rendering, or similar establishment in this state in which carcasses or parts are prepared solely for intrastate commerce; and the carcasses and parts thereof of animals found to be not adulterated shall be marked, stamped, tagged, or labeled, as "Inspected and Passed"; and the inspectors shall label, mark, stamp, or tag as "Inspected and Condemned" all carcasses and parts thereof of animals found to be adulterated; and all carcasses and parts thereof inspected and condemned shall be destroyed for food purposes by the establishment in the presence of an inspector, and the commissioner may remove inspectors from any establishment which fails to destroy any condemned carcass or part thereof, and inspectors, after the first inspection shall, when they deem it necessary, reinspect the carcasses or parts thereof to determine whether since the first inspection the same have become adulterated and if any carcass or any part thereof shall, upon examination and inspection subsequent to the first examination and inspection, be found to be adulterated, it shall be destroyed for food purposes by the establishment in the presence of an inspector, and the commissioner may remove inspectors from any establishment which fails to destroy a condemned carcass or part thereof.

Sec. 5. [31A.05] **Application of inspection provisions.** The foregoing provisions shall apply to all carcasses or parts of carcasses of animals or the meat or meat products thereof, capable of use as human food, which may be brought into any slaughtering, meat canning, salting, packing, rendering, or similar establish-

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ment, where inspection under sections 1 to 16 is maintained, and examination and inspection shall be made before the carcasses or parts thereof shall be allowed to enter into any department wherein they are to be treated and prepared for meat food products; and the foregoing provisions shall also apply to all products which, after having been issued from a slaughtering, meat canning, salting, packing, rendering, or similar establishment, shall be returned to it or to any similar establishment where inspection is maintained. The commissioner may limit the entry of carcasses, parts of carcasses, meat and meat food products, and other materials into any establishment at which inspection under sections 1 to 16 is maintained to conditions he prescribes to assure that allowing the entry of articles into inspected establishments will be consistent with the purposes of this act.

Sec. 6. [31A.06] Inspection in slaughtering establishments, etc.; marking; disposition of condemned meat. For the purposes hereinbefore set forth the commissioner shall cause to be made by inspectors appointed for that purpose an examination and inspection of all meat food products prepared in any slaughtering, meat canning, salting, packing, rendering, or similar establishment, where the articles are prepared solely for intrastate commerce and for the purposes of any examination and inspection the inspectors shall have access at all times, by day or night, whether the establishment be operated or not, to every part of the establishment; and the inspectors shall mark, stamp, tag, or label as "Minnesota Inspected and Passed" all products found to be not adulterated; and the inspectors shall label, mark, stamp, or tag as "Minnesota Inspected and Condemned" all products found adulterated, and all condemned meat food products shall be destroyed for food purposes, as hereinbefore provided, and the commissioner may remove inspectors from any establishment which fails to destroy condemned meat food products.

Sec. 7. [31A.07] Marking or labeling of inspected articles. Subdivision 1. When any meat or meat food product prepared for intrastate commerce which has been inspected as hereinbefore provided and marked "Minnesota Inspected and Passed" shall be placed or packed in any can, pot, tin, canvas, or other receptacle or covering in any establishment where inspection under the provisions of this act is maintained, the person, firm, or corporation preparing the product shall cause a label to be attached to the can, pot, tin, canvas, or other receptacle or covering, under supervision of an inspector, which shall state that the contents have been "Minnesota Inspected and Passed" under the provisions of this act, and no inspection and examination of meat or meat food products deposited or inclosed in cans, tins, pots, canvas, or other receptacle or covering in any establishment where inspection under the provisions of this act is

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maintained shall be deemed to be complete until the meat or meat food products have been sealed or inclosed in the can, tin, pot, canvas, or other receptacle or covering under the supervision of an inspector.

Subd. 2. All carcasses, parts of carcasses, meat and meat food products inspected at any establishment under the authority of this act and found not to be adulterated, shall at the time they leave the establishment bear, in distinctly legible form, directly thereon or on their containers, as the commissioner may require, the information required under subdivision 15 of section 1 of this act.

Subd. 3. The commissioner, whenever he determines action is necessary for the protection of the public, may prescribe: (1) The styles and sizes of type to be used with respect to material required to be incorporated in labeling to avoid false or misleading labeling of any articles or animals subject to sections 1 to 20; (2) Definitions and standards of identity or composition for articles subject to sections 1 to 16 and standards of fill of container for articles subject to sections 1 to 16 not inconsistent with any standards established under the Federal Food, Drug, and Cosmetic Act, or under the Federal Meat Inspection Act, and there shall be consultation between the commissioner and the Secretary of Agriculture of the United States prior to the issuance of standards to avoid inconsistency between state standards and the federal standards.

Subd. 4. No article subject to this title shall be sold or offered for sale by any person in intrastate commerce, under any name or other marking or labeling which is false or misleading, or in any container of a misleading form or size, but established trade names and *other marking and labeling and containers which are not false or misleading* and which are approved by the commissioner, are permitted.

Subd. 5. If the commissioner has reason to believe that any marking or labeling or the size or form of any container in use or proposed for use with any article subject to this title is false or misleading in any particular, he may direct that its use be withheld unless the marking, labeling, or container is modified in a manner he prescribes so that it will not be false or misleading. If the person using or proposing to use the marking, labeling or container does not accept the determination of the commissioner, the person may request a hearing, but the use of the marking, labeling, or container shall, if the commissioner so directs, be withheld pending hearing and final determination by the commissioner. Any determination by the commissioner shall be conclusive unless, within thirty days after receipt of notice of the final determination, the person adversely affected appeals to the district court.

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Sec. 8. [31A.08] **Rules and regulations.** The commissioner shall cause to be made, by experts in sanitation, or by other competent inspectors, the inspections of all slaughtering, meat canning, salting, packing, rendering, or similar establishments in which animals are slaughtered and the meat and meat food products thereof are prepared solely for intrastate commerce as may be necessary to inform himself concerning the sanitary conditions of the establishments, and to prescribe the rules and regulations of sanitation under which the establishments shall be maintained; and where the sanitary conditions of any establishment are such that the meat or meat food products are rendered adulterated, he shall refuse to allow the meat or meat food products to be labeled, marked, stamped, or tagged as "Minnesota Inspected and Passed".

Sec. 9. [31A.09] **Nighttime inspections.** The commissioner shall cause an examination and inspection of all animals and the food products thereof, slaughtered and prepared in the establishments hereinbefore described for the purposes of intrastate commerce to be made during the nighttime as well as during the daytime when the slaughtering of animals or the preparation of food products is conducted during the nighttime.

Sec. 10. [31A.10] **Prohibitions.** No person shall, with respect to any animal or any carcasses, parts of carcasses, meat or meat food products of any animals:

(a) Slaughter any animals or prepare any articles which are capable of use as human food, at any establishment preparing articles solely for intrastate commerce, except in compliance with the requirements of this act.

(b) Sell, transport, offer for sale or transportation, or receive for transportation, in intrastate commerce (1) any articles which are capable of use as human food, and are adulterated or misbranded at the time of sale, transportation, offer for sale or transportation, or receipt for transportation; or (2) any articles required to be inspected under sections 1 to 16 unless they have been so inspected and passed.

(c) Do, with respect to any articles which are capable of use as human food, any act while they are being transported in intrastate commerce or held for sale after transportation, which is intended to cause or has the effect of causing articles to be adulterated or misbranded.

Sec. 11. [31A.11] **Forging of official marks or certificates.** No brand manufacturer, printer, or other person shall cast, print, lithograph, or otherwise make any device containing any

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official mark or simulation thereof, or any label bearing any mark or simulation, or any form of official certificate or simulation thereof, except as authorized by the commissioner.

Subd. 2. No person shall:

- (a) Forge any official device, mark, or certificate;
- (b) Without authorization from the commissioner use any official device, mark, or certificate, or simulation thereof, or alter, detach, deface, or destroy any official device, mark, or certificate;
- (c) Contrary to the regulations prescribed by the commissioner, fail to use, or to detach, deface, or destroy any official device, mark, or certificate;
- (d) Knowingly possess, without promptly notifying the commissioner or his representative, any official device or any counterfeit, simulated, forged, or improperly altered official certificate or any device or label or any carcass of any animal, or part or product thereof, bearing any counterfeit, simulated, forged, or improperly altered official mark;
- (e) Knowingly make any false statement in any shipper's certificate or other nonofficial or official certificate provided for in the regulations prescribed by the commissioner, or;
- (f) Knowingly represent that any article has been inspected and passed, or exempted, under this act, when in fact, it has, respectively, not been inspected and passed, or exempted.

Sec. 12. [31A.12] **Horse meat.** No person shall sell, transport, offer for sale or transportation, or receive for transportation, in intrastate commerce, any carcasses of horses, mules, or other equines or parts of carcasses, or the meat or meat food products thereof, unless they are plainly and conspicuously marked or labeled or otherwise identified as required by regulations prescribed by the commissioner to show the kinds of animals from which they were derived. When required by the commissioner with respect to establishments at which inspection is maintained under this title, the animals and their carcasses, parts thereof, meat and meat food products shall be prepared in establishments separate from those in which cattle, sheep, swine, or goats are slaughtered or their carcasses, parts thereof, meats or meat food products are prepared.

Sec. 13. [31A.13] **Appointment of inspectors.** The commissioner shall appoint from time to time inspectors to make examination and inspection of all animals the inspection of which is

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provided for by law, and of all carcasses and parts thereof, and of all meats and meat food products thereof, and of the sanitary conditions of all establishments in which meat and meat food products hereinbefore described are prepared; and inspectors shall refuse to stamp, mark, tag or label any carcass or any part thereof, or meat food product therefrom, prepared in any establishment hereinbefore mentioned, until it has actually been inspected and found to be not adulterated; and shall perform the other duties as provided by this act and by the rules and regulations to be prescribed by the commissioner and the commissioner shall, from time to time, make the rules and regulations necessary for the efficient execution of the provisions of this act, and all inspections and examinations made under this act shall conform to the rules and regulations prescribed by the commissioner consistent with the provisions of this act.

Sec. 14. [31A.14] **Bribery.** Any person who gives or receives anything of value in order to influence the performance of this act violates section 609.42 or 609.43.

Sec. 15. [31A.15] **Exemptions.** Subdivision 1. The provisions of sections 1 to 16 requiring inspection of the slaughter of animals and the preparation of the carcasses, parts thereof, meat and meat food products at establishments conducting slaughter and preparation shall not apply:

(1) To the slaughtering by any person of his own animals and the preparation by him and transportation in intrastate commerce of the carcasses, parts thereof, meat and meat food products of his own animals exclusively for use by him and members of his household and his nonpaying guests and employees; nor

(2) To the custom slaughter by any person of cattle, sheep, swine or goats delivered by the owner for slaughter, and the preparation by a slaughterer and transportation in intrastate commerce of the carcasses, parts thereof, meat and meat food products of animals, exclusively for use, in the household of the owner, by him and members of his household and his nonpaying guests and employees; provided, that all meat derived from custom slaughter of cattle, sheep, swine, or goats shall be identified and handled as required by the commissioner, during all phases of slaughtering, chilling, cooling, freezing, preparation, storage and transportation; provided further, that the custom slaughterer does not engage in the business of buying or selling any carcasses, parts of carcasses, meat or meat food products of any animals capable of use as human food unless the carcasses, parts of carcasses, meat or meat food products have been inspected and passed and are identified as having been inspected and passed by the Minne-

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sota department of agriculture or the United States department of agriculture.

Subd. 2. *The slaughter of animals and preparation of articles referred to in subdivision 1, paragraph (2) of this section shall be conducted in accordance with the sanitary conditions that the commissioner may by regulations prescribe. Violation of his regulation is prohibited.*

Subd. 3. The adulteration and misbranding provisions of sections 1 to 16, other than the requirement of the inspection legend, shall apply to articles which are not required to be inspected under this section.

Sec. 16. [31A.16] **Storing and handling conditions.** The commissioner may by regulations prescribe conditions under which carcasses, parts of carcasses, meat, and meat food products of animals capable of use as human food, shall be stored or otherwise handled by any person engaged in the business of buying, selling, freezing, storing, or transporting them, in or for intrastate commerce, whenever the commissioner deems action necessary to assure that the articles will not be adulterated or misbranded when delivered to the consumer. Violation of his regulation is prohibited.

Sec. 17. [31A.17] **Articles not intended as human food.** Inspection shall not be provided under sections 1 to 16 at any establishment for the slaughter of animals or the preparation of any carcasses or parts or products of animals, which are not intended for use as human food, but those articles shall, prior to their offer for sale or transportation in intrastate commerce, unless naturally inedible by humans, be denatured or otherwise identified as prescribed by regulations of the commissioner to deter their use for human food. No person shall buy, sell, transport, or offer for sale or transportation, or receive for transportation, in intrastate commerce, any carcasses, parts thereof, meat or meat food products of any animals, which are not intended for use as human food unless they are denatured or otherwise identified as required by the regulations of the commissioner or are naturally inedible by humans.

Sec. 18. [31A.18] **Records.** Subdivision 1. The following classes of persons shall keep records that will fully and correctly disclose all transactions involved in their businesses; and all persons subject to the requirements shall, at all reasonable times, upon notice by a duly authorized representative of the commissioner afford the representative and any duly authorized representative of the Secretary of Agriculture of the United States accompanied by a representative of the commissioner access to their places of business

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and opportunity to examine the facilities, inventory, and records thereof, to copy all business records, and to take reasonable samples of their inventory upon payment of the fair market value therefor:

(a) Any persons who engage, for intrastate commerce, in the business of slaughtering animals or preparing, freezing, packaging, or labeling carcasses, or parts or products of carcasses, of animals, for use as human food or animal food;

(b) Any persons who engage in the business of buying or selling, as meat brokers, wholesalers or otherwise, or transporting, in intrastate commerce, or storing in or for intrastate commerce, any carcasses, or parts or products of carcasses, of animals;

(c) Any persons who engage in business, in or for intrastate commerce, as renderers, or engage in the business of buying, selling, or transporting, in intrastate commerce, any dead, dying, disabled, or diseased animals or parts of the carcasses of animals that died otherwise than by slaughter.

Subd. 2. Any record required to be maintained by this section shall be maintained for the period of time the commissioner by regulation prescribes.

Sec. 19. [31A.19] **Registration of businesses.** No person shall engage in business, in or for intrastate commerce, as a meat broker, renderer, or animal food manufacturer, or engage in business in intrastate commerce as a wholesaler of any carcasses, or parts or products of carcasses, of animals whether intended for human food or other purposes, or engage in business as a public warehouseman storing carcasses, or parts of carcasses of animals in or for intrastate commerce, or engage in the business of buying, selling, or transporting in intrastate commerce, any dead, dying, disabled, or diseased animals of the specified kinds, or parts of the carcasses of animals that died otherwise than by slaughter, unless, when required by regulation of the commissioner, he has registered with the commissioner his name, and the address of each place of business at which, and all trade names under which, he conducts his business.

Sec. 20. [31A.20] **Dead, dying, disabled or diseased animals; regulations.** No person engaged in the business of buying, selling, or transporting in intrastate commerce, dead, dying, disabled, or diseased animals, or any parts of the carcasses of any animals that died otherwise than by slaughter, shall buy, sell, transport, offer for sale or transportation, or receive for transportation, in intrastate commerce, any dead, dying, disabled, or diseased animals or parts of the carcasses of any animals that died otherwise than by slaughter, unless

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the transaction or transportation, is made in accordance with the regulations the commissioner may prescribe to assure that the animals, or the unwholesome parts or products thereof, will be prevented from being used for human food purposes.

Sec. 21. [31A.21] **Cooperation with federal government.** Subdivision 1. The Minnesota department of agriculture is hereby designated as the state agency which shall be responsible for cooperating with the secretary of agriculture of the United States under the provisions of section 301 of the Federal Meat Inspection Act to develop and administer the meat inspection program of this state under this act to assure that its requirements will be at least equal to those imposed under Titles I and IV of the Federal Meat Inspection Act and to develop and administer the program of this state under sections 17 to 20 of this act in a manner that will effectuate the purposes of this act and the federal act.

Subd. 2. In its cooperative efforts, the Minnesota department of agriculture is authorized to accept from the secretary advisory assistance in planning and otherwise developing the state program, technical and laboratory assistance and training, including necessary curricular and instructional materials and equipment, and financial and other aid for the administration of the program. The Minnesota department of agriculture is further authorized to spend a sum for administration of this act equal to pay fifty per centum of the estimated total cost of the cooperative program.

Subd. 3. The Minnesota department of agriculture is further authorized to recommend to the secretary of agriculture officials or employees of this state as the Minnesota department of agriculture shall designate, for appointment to the advisory committees provided for in section 301 of the Federal Meat Inspection Act; and the Minnesota department of agriculture shall serve as the representative of the governor for consultation with the secretary under paragraph (c) of section 301 of the Federal Meat Inspection Act unless the governor shall select another representative.

Subd. 4. When the state program includes performance of functions by a municipality or other subdivision of state government, the municipality or other subdivision of state government shall be deemed to be a part of the Minnesota department of agriculture for the purposes of this section.

(a) Any municipality or other subdivision of state government, through the health officer or other appropriate authority, may make written application for designation to operate a state approved inspection service under supervision of the commissioner. Each appli-

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cation shall be filed on a form obtained from the commissioner and shall include the information the commissioner requires.

(b) Upon receipt of an application the commissioner shall make an inspection and investigation to determine whether the inspection service of a municipality or other subdivision of state government is in conformance with this act and the designation to operate under his supervision as an approved inspection service on the basis of facts disclosed by the investigation. A municipality or other subdivision of state government shall be designated only after determination by the commissioner that each establishment under supervision of the municipality or other subdivision is in conformance with this act and the regulations of the commissioner and that the municipality or other subdivision of state government is effectively enforcing laws and regulations equivalent to this act and the regulations promulgated thereunder. The department shall make regular periodic inspections and surveys to determine if the inspection service by a municipality or other subdivision of state government is being maintained in compliance and the commissioner may revoke the designation of inspection service by an agency if he finds that there is any failure to conform to the applicable provisions of this act or the regulations.

(c) When a municipality or other subdivision of state government performs inspection service as provided for herein, the agency may be reimbursed for the service at a rate contracted with the Minnesota department of agriculture.

Sec. 22. [31A.22] Refusal or withdrawal of inspection. The commissioner may, for a period, or indefinitely, as he deems necessary to effectuate the purposes of this act, refuse to provide, or withdraw, inspection service under sections 1 to 16 with respect to any establishment if he determines, after opportunity for a hearing is accorded to the applicant for, or recipient of, the service, that the applicant or recipient is unfit to engage in any business requiring inspection under sections 1 to 16 because the applicant or recipient, or anyone responsibly connected with the applicant or recipient, has been convicted, in a federal or state court, of (1) any felony, or (2) more than one violation of any law, other than a felony, based upon the acquiring, handling, or distributing of unwholesome, mislabeled, or deceptively packaged food or upon fraud in connection with transactions in food. This section shall not affect in any way other provisions of this act for withdrawal of inspection services under sections 1 to 16 from establishments failing to maintain sanitary conditions or to destroy condemned carcasses, parts, meat or meat food products.

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For the purpose of this section a person shall be deemed to be responsibly connected with the business if he is a partner, officer, director, holder, or owner of 10 per centum or more of its voting stock or employee in a managerial or executive capacity. The determination and order of the commissioner with respect thereto under this section shall be final and conclusive unless the affected applicant for, or recipient of, inspection service files application for judicial review within thirty days after the effective date of the order in the district court. Judicial review of any order shall be upon the record upon which the determination and order are based.

Sec. 23. [31A.23] Detention of animals or products. Whenever any carcass, part of a carcass, meat or meat food product of animals or any product exempted from the definition of a meat food product, or any dead, dying, disabled, or diseased animal is found by any authorized representative of the commissioner upon any premises where it is held for purposes of, or during or after distribution in intrastate commerce, and there is reason to believe that any article is adulterated or misbranded and is capable of use as human food, or that it has not been inspected, in violation of the provisions of sections 1 to 16 or of the Federal Meat Inspection Act or the Federal Food, Drug, and Cosmetic Act, or that the article or animal has been or is intended to be, distributed in violation of any provision of those laws, it may be detained by the representative for a period not to exceed twenty days, pending action under section 24 or notification of any federal authorities having jurisdiction over the article or animal, and shall not be moved by any person, firm, or corporation from the place at which it is located when so detained, until released by the representative. All official marks may be required by the representative to be removed from the article or animal before it is released unless it appears to the satisfaction of the commissioner that the article or animal is eligible to retain the official marks.

Sec. 24. [31A.24] Seizure and condemnation. Any carcass, part of a carcass, meat or meat food product of animals or any dead, dying, disabled, or diseased animal that is being transported in intrastate commerce, or is held for sale in this state after transportation in intrastate commerce, and that is or has been prepared, sold, transported, or otherwise distributed or offered or received for distribution in violation of this act, or is capable of use as human food and is adulterated or misbranded, or in any other way is in violation of this act, shall be liable to be proceeded against and seized and condemned, at any time, on a complaint in the district court of the judicial district where the article or animal is found. If the article or animal is condemned it shall, after entry of the decree, be disposed of by destruction or sale as the court directs and the proceeds, if sold, less

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the court costs and fees, and storage and other proper expenses, shall be paid to the state, but the article or animals shall not be sold contrary to the provisions of this act, or the Federal Meat Inspection Act or the Federal Food, Drug, and Cosmetic Act; provided, that upon the execution and delivery of a good and sufficient bond conditioned that the article or animal shall not be sold or otherwise disposed of contrary to the provisions of this act, or the laws of the United States, the court may direct that the article or animal be delivered to the owner thereof subject to the supervision by authorized representatives of the commissioner that is necessary to insure compliance with the applicable laws. When a decree of condemnation is entered against the article or animal and it is released under bond, or destroyed, court costs and fees, and storage and other proper expenses shall be awarded against the person, if any, intervening as claimant of the article or animal. The proceedings for condemnation shall be in rem. Either party may demand trial by jury of any issue of fact joined in any case, and all proceedings shall be at the suit of and in the name of the state.

The provisions of this section shall in no way derogate from authority for condemnation or seizure conferred by other provisions of this act, or other laws.

Sec. 25. [31A.25] Access by inspectors. For obtaining information regarding suspected violations of law, the commissioner, his assistants, inspectors, appointees, agents and employees, shall have access to all places where any article of food, or other article, the manufacture, sale, use or transportation of which is now or hereafter restricted, regulated, or prohibited by any law of this state, is or may be manufactured, prepared, stored, sold, used, transported, offered for sale or transportation, or had in possession with intent to use, sell, or transport, or where cows or other animals are pastured or stabled, to cars or other carriages used for transportation of the articles or animals, and to places where food is or may be cooked, prepared, sold or kept for sale to or for the public or distributed as a part of the compensation of servants or agent, including public and private hospitals, lumber and railroad camps, inns, boarding and eating houses, drinking places, dining cars, boats, and other places where any of these articles may be manufactured, sold, used, offered for sale or transportation, or had in possession with intent to use, sell or transport, and they may inspect any package, receptacle, or container found therein apparently containing any article of food or ingredient thereof, or any other article the manufacture, use, sale, or transportation of which is now or hereafter restricted, regulated, or forbidden by any law of this state, and may take samples therefrom for analysis.

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Any person obstructing entry or inspection, or failing upon request to assist therein, shall be guilty of a misdemeanor.

Sec. 26. [31A.26] **Violations and penalties.** Subdivision 1. Any person who violates any provision of this act or any rule or regulation adopted thereunder for which no other criminal penalty is provided is guilty of a misdemeanor.

Subd. 2. Nothing in this act shall be construed as requiring the commissioner to report for prosecution or for the institution of injunction proceedings, minor violations of this act when he believes that the public interest will be adequately served by a suitable written notice of warning.

Sec. 27. [31A.27] **Powers of commissioner.** Subdivision 1. The commissioner may, for the purposes of this act:

(a) Gather and compile information concerning and, investigate from time to time the organization, business, conduct, practices, and management of any person engaged in intrastate commerce, and the relation thereof to other persons;

(b) Require, by general or special orders, persons engaged in intrastate commerce, or any class of them, or any of them to file with the commissioner, in the form the commissioner prescribes, annual and special reports or answers in writing to specific questions, furnishing to the commissioner the information he requires about the organization, business, conduct, practices, management, and relation to other persons, of the person filing the reports or answers. The reports and answers shall be made under oath, or otherwise, as the commissioner prescribes, and shall be filed with the commissioner within a reasonable time as the commissioner prescribes, unless additional time is granted in any case by the commissioner.

Subd. 2. For the purposes of this act, the commissioner shall at all reasonable times have access to, for the purpose of examination, and the right to copy any documentary evidence of any person being investigated or proceeded against, and may require by subpoena the attendance and testimony of witnesses and the production of all documentary evidence of any person relating to any matter under investigation. The commissioner may sign subpoenas and may administer oaths and affirmations, examine witnesses, and receive evidence.

(a) Attendance of witnesses, and the production of documentary evidence may be required at any designated place of hearing. In case of disobedience to a subpoena the commissioner may invoke the aid of the district court to require the attendance and testimony of witnesses and the production of documentary evidence.

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(b) The district court, in case of contumacy or refusal to obey a subpoena issued to any person, may issue an order requiring the person to appear before the commissioner or to produce documentary evidence if ordered, or to give evidence touching the matter in question; and any failure to obey the order of the court may be punished by the court as a contempt.

(c) Upon the application of the attorney general of this state at the request of the commissioner, the district court shall have jurisdiction to issue orders commanding any person to comply with the provisions of this act or any order of the commissioner made in pursuance of it.

(d) The commissioner may order testimony to be taken by deposition in any proceeding or investigation pending under this act at any state of the proceeding or investigation. Depositions may be taken before any person designated by the commissioner and having power to administer oaths. The testimony shall be reduced to writing by the person taking the deposition, or under his direction and shall then be subscribed by the deponent. Any person may be compelled to appear and depose and to produce documentary evidence in the same manner as witnesses may be compelled to appear and testify and produce documentary evidence before the commissioner as hereinbefore provided.

(e) Witnesses summoned before the commissioner may be paid the same fees and mileage that are paid witnesses in the district courts, and witnesses whose depositions are taken and the persons taking the same may severally be entitled to the same fees as are paid for like services in the district court.

(f) No person shall be excused from attending and testifying or from producing books, papers, schedules of charges, contracts, agreements, or other documentary evidence before the commissioner or in obedience to the subpoena of the commissioner whether the subpoena is signed or issued by him or his delegate, or in any cause or proceeding, criminal or otherwise, based upon or growing out of any alleged violation of this act, or of any amendments thereto, on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him or it may tend to incriminate him or it or subject him or it to a penalty or forfeiture; but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, documentary or otherwise, except that any person so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

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Subd. 3. A person who neglects or refuses to attend and testify or to answer any lawful inquiry, or to produce documentary evidence, if in his or its power to do so, in obedience to the subpoena or lawful requirement of the commissioner is guilty of a misdemeanor.

(a) Any person who shall willfully make, or cause to be made, any false entry or statement of fact in any report required to be made under this act, or who shall willfully make, or cause to be made, any false entry in any account, record, or memorandum kept by a person subject to this act or who shall willfully neglect or fail to make, or to cause to be made, full, true, and correct entries in the accounts, records, or memoranda, of all facts and transactions appertaining to the business of the person or that shall willfully remove out of the jurisdiction of this state, or willfully mutilate, alter, or by any other means falsify any documentary evidence of a person subject to this act or that shall willfully refuse to submit to the commissioner for the purpose of inspection and taking copies, any documentary evidence of a person subject to this act in his possession or within his control, is guilty of a misdemeanor.

(b) If any person required by this act to file any annual or special report fails to do so within the time fixed by the commissioner for filing the report, and his failure continues for thirty days after notice of his failure to file, the person shall be guilty of a misdemeanor.

(c) Any officer or employee of this state who shall make public any information obtained by the commissioner without his authority, unless directed by a court, is guilty of a misdemeanor.

Sec. 28. **[31A.28] Application of chapter with regard to federal act.** The requirements of this act shall apply to persons, establishments, animals, and articles regulated under the Federal Meat Inspection Act only to the extent provided for in section 408 of the Federal Meat Inspection Act.

Sec. 29. **[31A.29] Cost of administration; overtime work.** The cost of administration of this act, including the cost of inspection rendered under the requirements of this act, shall be paid from appropriations made for this purpose, except to the extent of federal contributions as provided in section 21. The commissioner is authorized, in his discretion, to pay employees of the Minnesota department of agriculture employed in establishments subject to the provisions of this act, for overtime work performed at the establishments, and to accept from the establishments where the overtime work is performed reimbursement for sums paid by him for overtime work. Reimbursements shall be deposited in the treasury and credited to the accounts from which the overtime costs were paid.

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Sec. 30. [31A.30] **Severability.** If any provision of this act or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the act and of the application of the provision to other persons and circumstances shall not be affected thereby.

Sec. 31. [31A.31] **Citation.** This act shall be designated as the Minnesota meat inspection act.

Approved April 29, 1969.

CHAPTER 226—H. F. No. 625

An act relating to disorderly conduct; repealing Minnesota Statutes 1967, Section 609.72, Subdivision 2.

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

Section 1. **Attempted suicide; detention; repealer.** Minnesota Statutes 1967, Section 609.72, Subdivision 2, is repealed.

Approved April 29, 1969.

CHAPTER 227—H. F. No. 790

An act relating to disposition of state owned buildings; amending Minnesota Statutes 1967, Section 16.82, Subdivision 1.

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

Section 1. Minnesota Statutes 1967, Section 16.82, Subdivision 1, is amended to read:

16.82 State buildings; disposal of old buildings. Subdivision 1. ~~Upon request of the commissioner of conservation~~ The commissioner of administration, ~~subject to the~~ *upon request of the head of a state agency or department having control of a state owned building which is no longer used and which is a fire or safety hazard, shall, after obtaining approval of the legislative building commission, is directed to sell, wreck, or otherwise dispose of old buildings, no longer used and which are a fire or safety hazard, on*

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