

## CHAPTER 339—H.F.No.2864

[Coded in Part]

*An act for consolidation of food licenses, relating to the enforcement thereof and relating to fees paid to the state; providing a penalty; amending Minnesota Statutes 1969, Sections 29.22, Subdivisions 2, 4, and 5; 31.185, Subdivision 2; 31.39; 31.495, Subdivisions 1 and 2; 31.56, Subdivision 2; 32.01, Subdivision 6; and 157.03; repealing Minnesota Statutes 1969, Sections 28.02; 28.03; 28.14; 29.22, Subdivision 1; 31.185, Subdivision 3; 31.33; 31.411; 31.421; 31.431; 31.441; 31.451; 31.461; 31.471; 31.481; 31.491; 31.492; 31.52; 31.55; 31.57; 32.09; 32.58; 32.60; 34.04; 34.06; and 34.08.*

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

Section 1. [28A.01] **CONSOLIDATED FOOD LICENSING ACT; CITATION.** Sections 1 to 16 shall be known as the “Minnesota consolidated food licensing act.”

Sec. 2. [28A.02] **DECLARATION OF POLICY.** It is hereby declared to be the policy of the legislature, recognizing that food in its various forms is essential to the health and well-being of the people of this state and that its production, processing, packaging, labeling, handling, distribution and sale may create health hazards, misinform consumers, perpetuate frauds or otherwise jeopardize the public health and welfare and in order to effect an efficient and simple form of licensing, to require that every person who handles food in a manner described herein, shall obtain a license therefor from the commissioner and that all producers, processors, packagers, labelers, handlers, distributors and vendors of food, whether or not subject to licensing, shall be required to comply with all applicable regulations adopted by the commissioner.

Sec. 3. [28A.03] **DEFINITIONS.** As used in sections 1 to 16 the terms defined in this section shall have the following meanings:

(a) “Commissioner” means the commissioner of agriculture of the state of Minnesota.

(b) “Person” means any individual, firm, corporation, company, association, cooperative or partnership and includes any trustee, receiver, assignee or other similar representative thereof.

(c) “Place of business” means every location where food or food items are manufactured, processed, sold, stored or handled, including buildings, locations, permanent or portable structures, carnivals, circuses, fairs, or any other permanent or temporary location.

(1) Any vehicle or similar mobile unit from which food is sold shall be considered a place of business for purposes of this section if

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the food therefrom has been manufactured, packaged or dispensed from bulk, or processed in any manner thereon.

(2) Each location which is identified by a separate address, at which one or more vending machines which process or dispense food are located, shall be considered a separate place of business for the purposes of this section.

(d) "Food" includes every article used for, entering into the consumption of, or used or intended for use in the preparation of food, drink, confectionery, or condiment for man, whether simple, mixed or compound.

(1) "Perishable food" is food which includes, but is not limited to fresh fruits, fresh vegetables, and other products which need protection from extremes of temperatures in order to avoid decomposition by microbial growth or otherwise.

(2) "Readily perishable food" is food or a food ingredient consisting in whole or in part of milk, milk products, eggs, meat, fish, poultry or other food or food ingredient which is capable of supporting rapid and progressive growth of infectious or toxigenic micro-organisms.

(3) "Frozen food" is food which is processed, and preserved by freezing in accordance with good commercial practices and which is intended to be sold in the frozen state.

(4) For the purposes of this definition, packaged food in hermetically sealed containers processed by heat to prevent spoilage; packaged pickles; jellies and condiments in sealed containers; bakery products such as bread, rolls, buns, donuts, fruit-filled pies and pastries; dehydrated packaged food; and dry or packaged food so low in moisture content as to preclude development of micro-organisms are not "perishable food", "readily perishable food", or "frozen food" within the meaning of definitions (1), (2) and (3) herein when they are stored and handled in accordance with good commercial practices.

(e) "Sell and sale" includes the keeping, offering, or exposing for sale, use, transporting, transferring, negotiating, soliciting, or exchange of food, the having in possession with intent to sell, use, transport, negotiate, solicit, or exchange the same and the storing, or carrying thereof in aid of traffic therein whether done or permitted in person or through others.

(f) "Principal mode of business" means that type of business described under either (a), (b) or (c) in section 5 herein within which category the greatest amount of the applicant's food business lies.

Sec. 4. [28A.04] LICENSE REQUIRED; APPLICATIONS. No person shall engage in the business of manufacturing, processing,

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selling, handling, or storing food whether at wholesale or retail without having first obtained from the commissioner a license for doing such business. Applications for such license shall be made to the commissioner in such manner and time as required and upon such forms as provided by the commissioner and shall contain the name and address of the applicant, address or description of each place of business, and the nature of the business to be conducted at each place, and such other pertinent information as the commissioner may require.

Sec. 5. [28A.05] **CLASSIFICATION.** All persons required to have a license under section 4 above shall be classified into one of the following three classes of food handlers, according to their principal mode of business.

(a) RETAIL FOOD HANDLERS. Retail food handlers are persons who sell or process and sell food directly to the ultimate consumer or who custom process meat or poultry.

(b) WHOLESALE FOOD HANDLERS. Wholesale food handlers are persons who sell to others for resale or who store or handle food intended for sale to others for resale.

(c) FOOD PROCESSORS OR MANUFACTURERS. Food processors or manufacturers are persons who process or manufacture raw materials and other food ingredients into food items, or who reprocess food items, or who package food for sale to others for resale, or who commercially slaughter animals or poultry. Included herein are persons who can, extract, ferment, distill, pickle, bake, freeze, dry, smoke, grind, mix, stuff, pack, bottle, recondition, or otherwise treat or preserve food for sale to others for resale, cold storage warehousemen as defined in section 28.01, subdivision 3, dairy plants as defined in section 32.01, subdivision 6, nonresident manufacturers of frozen foods as described in section 32.59, and nonresident manufacturers of non-alcoholic beverages as described in section 34.05.

Sec. 6. [28A.06] **EXTENT OF LICENSE.** No person, except as described in sections 27.03 and 27.04, shall be required to hold more than one license in order to engage in any aspect of food handling described in section 5 provided, that each issued license shall be valid for no more than one place of business, except that a license for a mobile unit or a portable structure is valid statewide and is required to be issued only once each year unless the licensee fails to display the license as required by section 7.

Sec. 7. [28A.07] **ISSUANCE OF LICENSE.** Prior to the issuance or renewal of any license herein, the commissioner may cause appropriate inspections to be made to determine under applicable statutory and promulgated rule requirements, the applicant's fitness

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to engage in the mode(s) of business described in that person's license application. A valid and properly displayed license shall be sufficient to allow the licensee to engage in the manner of food handling so described in the licensee's application, provided that the commissioner may withhold authorization to engage in any aspects of business for which the applicant is not deemed fit under this section. A licensee may, at any time, apply to change such application which shall then be considered by the commissioner in the same manner as a new or renewal application hereunder.

**Sec. 8. [28A.08] LICENSE FEES; PENALTIES.** The fees for licenses and the penalties for late renewal thereof prescribed herein shall apply to the sections named except as provided under section 9. Except as specified herein, bonds and assessments based on number of units operated or volume handled or processed which are provided for in said laws shall not be affected, nor shall any penalties for late payment of said assessments, nor shall inspection fees, be affected by this act.

<u>Type of food handler</u>	<u>License Fee</u>	<u>Penalty</u>
<u>Retail food handler</u>	<u>\$15</u>	<u>\$5</u>
<u>Wholesale food handler</u>	<u>\$15</u>	<u>\$5</u>
<u>Food processor or manufacturer</u>	<u>\$50</u>	<u>\$15</u>

**Sec. 9. [28A.09] FEES FOR VENDING MACHINE LOCATIONS.** The following combined license fee schedule shall be applied for an applicant's place(s) of business where food is sold and dispensed solely through the use of vending machines, and the fees charged hereunder shall be in lieu of any other fees which may be applied to such place(s) of business under section 8:

(a) \$2 for each of the first 100 such places of business;

(b) \$1 for each such place of business thereafter;

(c) Provided that no applicant shall be required to pay a total of more than \$400 under (a) and (b) above regardless of the number of applicant's places of business hereunder.

(d) A place of business which consists solely of vending machines dispensing only bottled or canned soft drinks, prepackaged confections, and similar dry, nonperishable items, such as ball gum, nuts, and panned candies, shall not be counted for the purpose of determining applicant's license fees hereunder.

**Sec. 10. [28A.10] POSTING OF LICENSE; RULES AND REGULATIONS.** All such licenses shall be issued for a period of one year and shall be posted or displayed in a conspicuous place at the place of business so licensed. Except as provided in sections 29.22, Subdivision 4 and 31.39, all such license fees and penalties collected by

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the commissioner shall be deposited into the state treasury and credited to the general fund. The commissioner may adopt such rules and regulations in conformity with law as he deems necessary to effectively and efficiently carry out the provisions of sections 1 to 16.

Sec. 11. [28A.11] ADJUSTMENTS. The commissioner shall make appropriate license fee adjustments for up to one year from the effective date of this act for persons required to be licensed hereunder, who hold validly issued licenses as of the date of this act under the provisions of law amended or repealed herein. The commissioner may also make appropriate license fee adjustments for licensees changing their classification under section 5 prior to the expiration date of their current license.

Sec. 12. [28A.12] VIOLATIONS. Any person who does not comply with the provisions of sections 1 to 16 or regulations issued thereunder shall be guilty of a misdemeanor.

Sec. 13. [28A.13] POWER TO SUSPEND OR REVOKE LICENSES. Whenever the commissioner has reason to believe that any provision of law relating to the manufacturing, processing, distribution, handling and sale of food, or regulation issued by the commissioner thereunder, has been violated, the commissioner may suspend or revoke the license granted under section 5, or may limit the permission of the license to only those aspects of the licensee's business which are in conformity with the law and regulations. Any person may be restrained by injunction from engaging in any business operation or category thereof for which that person is not validly licensed. This suspension or revocation shall be made only after notice to the licensee and an opportunity to be heard with reference to the grounds for suspension or revocation, and this action by the commissioner shall in no way exempt such licensee from the penalties otherwise imposed in this chapter. The commissioner shall serve upon the licensee by registered letter containing a copy thereof, an order to show cause why the license should not be permanently revoked, stating the grounds thereof, and the time and place of hearing, which time shall not be less than ten days after the date of mailing of the order. At the appointed time and place, and at such times as the matter may be adjourned to, the commissioner, or his appointed hearing officer, shall hear all proper evidence relating to the cause of the proposed revocation and, within a reasonable time thereafter, he shall make and file his decision of the matter and forthwith mail to the licensee a copy thereof.

Sec. 14. [28A.14] TRANSFER OF BUSINESS. A transfer of a business or a discontinuance of its operation by the licensee at the address covered by the license voids the license and the license certificate shall be surrendered to the commissioner immediately by anyone in possession of the same.

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Sec. 15. [28A.15] EXCLUSIONS. Subdivision 1. The licensing provisions of sections 1 to 16 shall not apply to the following:

Subd. 2. Persons selling the products of the farm or garden occupied and cultivated by him, or to persons not regularly engaged in the business of manufacturing and selling food and who prepare food only on order of and for sale directly to the ultimate consumer, or to educational, charitable or religious organizations not regularly engaged in the business of manufacturing, processing, or selling food at their established educational, charitable or religious institutions.

Subd. 3. A farmer slaughtering his own animals, rabbits or poultry, on his own farm for: (a) his own use; or (b) the use of his immediate family.

Subd. 4. Any persons required to be licensed under the provisions of sections 19.01 to 19.40 or trucks operating under a certificate or permit issued pursuant to Minnesota Statutes, Chapter 221 or warehousemen, other than cold storage warehousemen, offering storage or warehouse facilities for compensation.

Subd. 5. Persons engaging solely in a business licensed under section 157.03 provided that issuance of any license pursuant to section 157.03 shall not exempt any person from the licensing requirements of section 32.56 and section 34.02.

Subd. 6. Persons selling and dispensing the following foods by the sole use of a vending machine located in a place of business owned and operated by such person: bottled or canned soft drinks, prepackaged confections, and similar dry, nonperishable items such as ball gum, nuts, and panned candies.

Subd. 7. Persons whose principal business is not food handling but who sell only such nonperishable items as bottled or canned soft drinks and prepackaged confections at retail, or persons who for their own convenience or the convenience of their employees have available for rehydration and consumption on the premises such nonperishable items as dehydrated coffee, soup, hot chocolate or other dehydrated food or beverage.

Subd. 8. A licensed pharmacy selling only food additives, food supplements, canned or prepackaged infant formulae or such nonperishable food items as bottled or canned soft drinks and prepackaged confections at retail.

Sec. 16. [28A.16] PERSONS SELLING LIQUOR. The provisions of the Minnesota consolidated food licensing act, sections 1 to 16 and acts amendatory thereto, shall not apply to persons licensed to sell nonintoxicating malt liquor "on sale" as provided in section 340.02, or to persons licensed to sell intoxicating liquors "on sale" or "off sale" as provided in section 340.11, provided that these persons have no food service other than prepackaged items.

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Sec. 17. Minnesota Statutes 1969, Section 29.22, Subdivision 2, is amended to read:

Subd. 2. In addition to the annual dealer's license, required under section 4 of this act, there shall be an annual inspection fee applicable to every person who engages in the business of buying for resale, selling, dealing, or trading in eggs except a retail grocer who sells eggs previously candled and graded, such fee to be computed on the basis of the number of cases of shell eggs handled at each place of business during the month of April of each year, providing that if said dealer or processor is not operating during the month of April, the department shall estimate the volume of shell eggs handled, and may revise the fee after three months of operation. ~~The provisions of this subdivision do not apply to a retail grocer who sells eggs previously candled and graded.~~ In the event that a given lot of eggs is moved from one location of business to a second location of business and provided that the dealers' license is held by the same person at both locations, the given lot of eggs shall be counted in determining the volume of business on which the inspection fee is based at the first location of business but shall not enter into the computation of volume of business for the second location. For the purpose of determining fees, a case shall be one of 30 dozen capacity. The schedule of fees shall be as follows:

**VOLUME (30 DOZEN CASES)**

IN APRIL	MINIMUM - MAXIMUM FEE
1 - 100	\$ 5 - \$ 10
101 - 1000	\$ 10 - \$ 25
1001 - 2000	\$ 25 - \$ 50
2001 - 4000	\$ 50 - \$ 75
4001 - 6000	\$ 75 - \$100
6001 - 8000	\$100 - \$125
8001 - 10,000	\$125 - \$150
OVER 10,000	\$150 - \$200

The commissioner shall fix the annual inspection fee within the limits set herein and may annually adjust the fee, as he deems necessary, within those limits, to more nearly meet the costs of inspection required to enforce the provisions of sections 29.21 to 29.28. Each person holding a dealer's license subject to such inspection fee shall, under the direction of the commissioner, keep such records as may be necessary to accurately determine the volume of shell eggs on which the inspection fee is due and shall prepare annually a written report of such volume upon forms supplied by the commissioner. This report, together with the required inspection fee, shall be filed with the department on or before the last day of May of each year.

Sec. 18. Minnesota Statutes 1969, Section 29.22, Subdivision 4, is amended to read:

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~~Subd. 4. No person shall engage~~ Any person engaged in the business of breaking eggs for resale ~~without first having secured from the department a license to conduct such business to be issued upon proper application. The license fee shall be \$50 for persons engaged in the business of breaking eggs for resale except that for producers breaking eggs of their own production only, the license fee shall be \$25. All licenses so issued shall expire on the last day of June next following the issuance thereof but may be renewed. The licensee shall at all times comply with the rules and regulations of the department in respect to the conduct of such business. The commissioner shall collect from each egg breaking plant laboratory fees for routine analysis and full reimbursement for services performed by a state inspector assigned to that plant on a continuous basis as provided for in section 29.27.~~

Sec. 19. Minnesota Statutes 1969, Section 29.22, Subdivision 5, is amended to read:

Subd. 5. All fees collected, together with all fines paid for any violation of any provision of sections 29.21 to 29.28 or any rules promulgated thereunder, as well as all license fees and penalties for late license renewal, shall be deposited in the state treasury, and ~~85 percent of the total fees and fines so collected~~ shall be credited to a separate account to be known as the egg law inspection fund, which is hereby created, set aside, and appropriated as a revolving fund to be used by the department to help defray the expense of inspection, supervision, and enforcement of sections 29.21 to 29.28 and shall be in addition to and not in substitution for the sums regularly appropriated or otherwise made available for this purpose to the department.

Sec. 20. Minnesota Statutes 1969, Section 31.185, Subdivision 2, is amended to read:

Subd. 2. **LICENSES.** Every person engaged in the business of operating a frozen food processing plant, or engaged as a processor, shall apply for a license ~~therefor to the commissioner in such form and shall furnish such information as he may require. Each application shall be accompanied by a fee of \$12.50. This sum shall constitute the license fee in case license is granted. If under section 4 of this act, and if the commissioner shall find that the applicant maintains a proper place for the storage of frozen foods, has proper cooling and freezing facilities, maintains a proper place and equipment for processing meats and meat products, and meets all sanitation requirements, the commissioner shall issue to the applicant a license therefor. Such license shall expire on the thirty first day of December, following its issue and no license shall be issued for a longer term than one year, nor 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. If a license renewal is not applied for on or before January 1st of each year a penalty of \$3~~

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~~shall be imposed. The provisions of this subdivision shall not apply to any person, place, or establishment operating under or subject to the Federal Meat Inspection Act of March 4, 1907 (34 U.S.Stat. 1260) and Amendments thereto.~~

Sec. 21. Minnesota Statutes 1969, Section 31.39, is amended to read:

**31.39 ASSESSMENTS; INSPECTIONS, SERVICES; COMMERCIAL CANNERIES ACCOUNT.** The commissioner is hereby authorized and directed to collect from each commercial cannery an assessment for inspection and services furnished, and for maintaining a bacteriological laboratory and employing such bacteriologists and trained and qualified sanitarians as he may deem necessary. The assessment to be made on each commercial cannery, for each and every packing season, shall not exceed one-half cent per case on all foods packed, canned, or preserved therein, nor shall the assessment in any one calendar year to any one cannery exceed \$1,500, and the minimum assessment to any cannery in any one calendar year shall be \$50 : provided, that the amount of the annual license fee collected under section 8 of this act shall be used to reduce the annual assessment for that year . The commissioner shall provide appropriate deductions from assessments for the net weight of meat, chicken, or turkey ingredients which have been inspected and passed for wholesomeness by the United States department of agriculture. The commissioner may, when he deems it advisable, graduate and reduce the assessment to such sum as is required to furnish the inspection and laboratory services rendered. The assessment made and the license fees, penalties, and other sums so collected shall be deposited in the state treasury, as other departmental receipts are deposited, but shall constitute a separate account to be known as the *commercial canneries inspection account, which is hereby created*, and together with moneys now remaining in said account, set aside, and appropriated as a revolving fund, to meet the expense of special inspection, laboratory and other services rendered, as provided in sections 31.31 to 31.392. The amount of such assessment shall be due and payable on or before December 31, of each year, and if not paid on or before February 15 following, shall bear interest after that date at the rate of seven percent per annum, and a penalty of ten percent on the amount of the assessment shall also be added and collected.

Sec. 22. Minnesota Statutes 1969, Section 31.495, Subdivision 1, is amended to read:

**31.495 REGULATION OF FOOD SALVAGE OPERATIONS.** Subdivision 1. For the purposes of this section, the terms defined in this subdivision have the meanings given them:

(a) "Distressed food" means any food, the label of which has been lost, defaced, or obliterated, or food which has been subjected to

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possible damage due to accident, fire, flood, adverse weather, or to any other similar cause; or food which is suspected of having been rendered unsafe or unsuitable for food use.

(b) "Reconditionable or salvageable food" is distressed food which it is possible to reclaim for food, feed, or seed use as determined by examination by the commissioner or his representatives.

(c) "Reconditioned or salvaged food" is reconditionable or salvageable food which has been reconditioned or salvaged under supervision of the commissioner so as to comply with the standards established under this section.

(d) "Reconditioning" or "salvaging" is the act of cleaning, culling, sorting, scouring, labeling, relabeling, or in any way treating "distressed food" so that it may be deemed to be "reconditioned" or "salvaged food" and therefore is acceptable for sale or use as human food, animal feed, or seed as provided therefor by the commissioner.

(e) "Salvage food processor" is a person who holds a permit license under section 4 of this act to operate as a salvage food processor and who receives supervision of his salvaging operations from the commissioner.

(f) "Labeling" means any legend or descriptive matter or design appearing upon an article of food or its container, and includes circulars, pamphlets and the like, which are packed and go with the article to the purchaser, and placards which may be allowed to be used to describe the food.

Sec. 23. Minnesota Statutes 1969, Section 31.495, Subdivision 2, is amended to read:

Subd. 2. (a) It is unlawful for any person either to represent himself to be a salvage food processor, or to engage in the activities of reconditioning or salvaging distressed food, or both, unless he has been issued a salvage food processor's permit from the commissioner license under section 4 of this act authorizing that person to operate as a salvage food processor, which ~~permit license~~ may not be issued until he has complied with all the provisions of this section and all rules and regulations promulgated under this section.

~~An applicant for a salvage food processor's permit shall apply on forms provided by the commissioner and shall supply all information required by the commissioner. If the commissioner finds that the applicant maintains a proper place and the equipment to properly engage in the activities of reconditioning and salvaging distressed food he shall require the filing of a bond pursuant to subdivision 3 of this section before issuing a permit. Salvage food processor's permits expire on December 31 next following their issuance and are subject to renewal annually in accordance with the requirements of~~

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~~this section and rules and regulations promulgated under this section. Such permits may be revoked by the commissioner for due cause after the holder of the permit has been given the opportunity for a hearing. The holder of the permit shall be notified in writing at least ten days before the date of the hearing of the time and place of the hearing.~~

(b) Before issuing a permit license, the commissioner shall determine that the applicant's salvage establishment meets at least the minimum requirements adopted by rule and regulation for such an establishment which shall include but not be limited to adequacy of buildings, location, water supply, waste disposal, equipment, hand washing and toilet facilities, and sanitation practices, as the same relate to the protection of the public health and welfare. ~~The applicant shall contract with the commissioner for supervision of his activities of reconditioning and salvaging distressed food as a salvage food processor, with payment for such supervision to be determined pursuant to this section.~~

~~(c) The fees to be paid for the supervision furnished by the commissioner are as follows:~~

~~(1) Inspector's salary at \$5 per hour for time actually spent in supervision and inspection;~~

~~(2) Laboratory personnel, if used, at \$6 per hour for time actually spent in laboratory work;~~

~~(3) Meals, if consumed, at the rate established by the state department of administration;~~

~~(d) No such fees shall be charged unless and until the distressed food in question has been designated as salvageable by the commissioner and is in the possession of a salvage food processor.~~

~~All moneys so collected shall be deposited in the state treasury and credited to the general fund.~~

Sec. 24. Minnesota Statutes 1969, Section 31.56, Subdivision 2, is amended to read:

Subd. 2. No animals, poultry, or rabbits that were in a dying condition when killed, nor animals that have died as a result of accident or of natural causes or disease, shall be accepted, for any purpose whatsoever into any establishment licensed under sections 31.51 to 31.58 4 to 10 of this act.

Sec. 25. Minnesota Statutes 1969, Section 32.01, Subdivision 6, is amended to read:

Subd. 6. **DAIRY PLANT.** "Dairy plant" means any place where a dairy product is manufactured, processed, or handled and includes milk-receiving stations, creameries, cheese factories, condenseries, milk plants, transfer stations, cream stations, marketing organiza-

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tions not operating dairy plants, but purchasing milk and cream directly from producers for resale, and other establishments, as those terms are used in chapters 17, 27, 31, 32, 32A, 32B, and 33; but does not include a dairy farm or an establishment where no dairy products are processed, but dairy products are sold at wholesale or retail only.

Sec. 26. Minnesota Statutes 1969, Section 157.03, is amended to read:

**157.03 LICENSES REQUIRED; FEES.** Each year every person, firm, or corporation engaged in the business of conducting an hotel, restaurant, lodging house, boarding house, or resort, or place of refreshment, or who shall hereafter engage in conducting any such business, except vending machine operators licensed under the ~~joint license provisions of section 31.431, subdivision 1~~ sections 1 to 16 of this act, must procure a license for each hotel, restaurant, lodging house, boarding house, or resort, or place of refreshment so conducted; provided, that for any hotel or resort in which food, fountain, or bar service is furnished, one license, in addition to the hotel or resort license, shall be sufficient for all restaurants and places of refreshment conducted on the same premises and under the same management with such hotel or resort. Each license shall expire on the thirty-first day of December next following its issuance and any proprietor who operates a place of business after January first following, without first having made application for a license and without having made payment of the fee thereof shall be deemed to have violated the provisions of this chapter and be subject to prosecution, as provided in this chapter; and, in addition thereto, a penalty of \$1.50 shall be added to the amount of the license fee and paid by the proprietor, as provided herein, if the application has not reached the office of the state board of health on or before January thirty-first following the expiration of license; or, in the case of a new business, 30 days after the opening date of such business. The state board of health shall furnish to any person, firm or corporation desiring to conduct an hotel, restaurant, lodging house, boarding house, or resort, or place of refreshment an application blank to be filled out by such person, firm, or corporation, for a license therefor, which shall require the applicant to state the full name and address of the owner of the building, structure, or enclosure, the lessee and manager of such hotel, restaurant, lodging house, boarding house, or resort, or place of refreshment, the location of the same, the name under which the business is to be conducted, and such information as may be required therein by the state board of health to complete the application for license, and the application shall be accompanied by a license fee as hereinafter provided.

For hotels, lodging houses, and resorts the license fee shall be based on the number of sleeping rooms in accordance with the following schedule:

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## Fee Schedule

Number of sleeping rooms	Fee
1-18	\$7.50
19-35	\$15
36-100	\$20
101 and over	\$25

For restaurants, places of refreshment, and boarding houses the license fee shall be based on the average number of employees which shall be computed by considering each full time employee as one employee and each part time employee as that fraction of one employee as the number of months in which he is employed is to the 12 months of the year. Employees shall include all persons, except children of the licensee under the age of 18, at work in any capacity, either voluntary or paid, and whether or not reported under the labor laws of this state.

Every licensee shall, at the time of application, certify as to the number of his employees on forms provided by the state board of health and the state board of health shall have access, on demand, to any and all employment records for purposes of substantiating or correcting numbers of declared employees.

License fees for restaurants, places of refreshment, and boarding houses shall be paid in accordance with the following schedule:

Number of employees	Fee
1-4	\$7
5-18	\$12
19-28	\$18
29-35	\$25
36 and over	\$30

From and after October first of each year the license fee for new establishments or new operators shall be one half the annual license fee plus any penalty which may be required.

All such fees shall be turned in to the state treasury as provided by law.

**Sec. 27. REPEALER.** Minnesota Statutes 1969, Sections 28.02; 28.03; 28.14; 29.22, Subdivision 1; 31.185, Subdivision 3; 31.33; 31.411; 31.421; 31.431; 31.441; 31.451; 31.461; 31.471; 31.481; 31.491; 31.492; 31.52; 31.55; 31.57; 32.09; 32.58; 32.60; 34.04; 34.06; and 34.08 are repealed.

**Sec. 28. EFFECTIVE DATE.** This act shall take effect on July 1, 1971; provided, that all licenses for food processors or manufacturers shall be renewable on January 1, 1972, and annually thereafter, and all licenses for retail and wholesale food handlers shall be renewable on July 1, 1972, and annually thereafter.

Approved May 17, 1971.

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