

part of the estate for purposes of distribution and taken by such heir, legatee, or devisee as a part of his share of the personality.

If such amount exceeds such beneficiary's share of the personality, the real property assigned to him shall be subjected in the decree to a lien in favor of the other heirs or beneficiaries in accordance with their respective shares.

If such demand or judgment became unenforceable prior to decedent's death, no interest after it became unenforceable shall be included and the total amount charged against such heirs, legatee, or devisee shall in no event exceed the value of his share of the estate. In the event of an escheat of part of the estate no such lien shall be imposed upon any other part of the estate in favor of the state of Minnesota.

Any beneficiary hereunder shall not be required to pay any inheritance tax and no inheritance tax shall be payable as to him on that part of the estate created by the set-off hereinbefore provided and inherited by the beneficiary, which the beneficiary would not otherwise have been required by law to pay because the demand so set off was unenforceable as to the beneficiary because of lapse of time or a discharge in bankruptcy.

Upon its own motion or upon the request of any party, without the determination or payment of inheritance taxes, the court may enter into an interlocutory decree, determining the persons entitled to the estate, naming the heirs and distributees, stating their relationship to the decedent, describing the property and stating the proportion or part thereof to which each is entitled. Such interlocutory decree shall be final as to the persons entitled to distribution, and as to the part or portion of the estate each is entitled to receive, but it shall not have the effect of assigning the estate to such persons.

Approved May 21, 1973.

CHAPTER 467—H.F.No.588

[Coded]

An act relating to trade regulations; hazardous toys and other articles; restricting the manufacture, sale, and other traffic of such articles in this state; granting regulatory, investigatory, and enforcement powers to the director of the consumer services section

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of the department of commerce; providing for the testing of such articles; providing penalties.

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

Section 1. [325.381] **TRADE REGULATION; HAZARDOUS TOYS; IMPORTATION, MANUFACTURE, SALE OR DISTRIBUTION OF HAZARDOUS ARTICLES.** No person, firm, corporation, association or agent or employee thereof shall import, manufacture, sell, hold for sale or distribute a toy or other article intended for use by a child which presents an electrical, mechanical or thermal hazard or presents a hazard due to toxic, or flammable properties or properties able to produce asphyxiation or suffocation.

Sec. 2. [325.382] **DEFINITIONS.** (a) "Child" means any person less than 14 years of age;

(b) A toy presents an electrical hazard if, in normal use or when subjected to reasonably foreseeable damage or abuse, its design or manufacture may cause personal injury or illness by electrical shock or electrocution;

(c) A toy presents a mechanical hazard if, in normal use or when subjected to reasonably foreseeable damage or abuse, its design or manufacture presents an unreasonable risk of personal injury or illness:

(1) from fracture, fragmentation or disassembly of the article;

(2) from propulsion of the article or any part or accessory thereof;

(3) from points or other protrusions, surfaces, edges, openings or closures;

(4) from moving parts;

(5) from lack or insufficiency of controls to reduce or stop motion;

(6) as a result of self-adhering characteristics of the article;

(7) because the article or any part or accessory thereof may be aspirated or ingested;

(8) because of instability;

(9) from stuffing material which is not free of dangerous or harmful substances; or

(10) because of any other aspect of the article's design or manufacture.

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(d) A toy presents a thermal hazard if, in normal use or when subjected to reasonably foreseeable damage or abuse, its design or manufacture presents an unreasonable risk of personal injury or illness because of heat as from heated parts, substances or surfaces.

(e) "Toxic" means able to produce personal injury or illness to a person through ingestion, inhalation or absorption through any body surface and can apply to any substance other than a radioactive substance.

(f) "Flammable" means having a flash point up to 80 degrees Fahrenheit as determined by the Tagliabue Open Cup Tester. The flammability of solids and of the contents of self-pressurized containers shall be determined by methods generally recognized as applicable to the materials or containers and established by regulations issued by the director.

(g) A toy presents a hazard of asphyxiation or suffocation if, in normal use or when subject to reasonable foreseeable damage or abuse, its design, manufacture or storage presents a risk of personal injury or illness from interference with normal breathing.

(h) "Director" means the director of the consumer services section of the department of commerce.

(i) "Inspector" means an inspector of the consumer services section of the department of commerce.

Sec. 3. [325.383] BANNING OF HAZARDOUS ARTICLES; REGULATIONS. The director shall ban from sale or distribution any toy or other article intended for use by children that presents any of the hazards set out in section 1.

The director shall adopt the regulations necessary to carry out the intent of this act. Regulations shall insofar as practicable conform to the regulations relating to this subject found as Part 191 in the Code of Federal Regulations, Title 21.

Sec. 4. [325.384] TESTING OF ARTICLES TO DETERMINE AND INSURE COMPLIANCE. The director or an authorized and qualified employee or inspector, may undertake or provide for testing of toys and other articles as he deems necessary to determine their safety and fitness for commerce in this state in compliance with the provisions of this act. The director may contract or otherwise arrange with any testing facility, public or private, for testing and reporting the results. The director may, by regulation, require that any toy or other article within the provisions of this act be adequately tested by the consumer services section, a reputable testing facility, or the manufacturer or distributor of the article, and that the certified results of the test be filed with the director before the sale, distribution or other movement in

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commerce within this state of the toys or articles. The director may by regulation provide for penalties for the failure to provide test results.

Sec. 5. [325.385] REPURCHASE OF ARTICLES BANNED UNDER THIS ACT. Subdivision 1. In the case of any article sold by its manufacturer, distributor, or dealer which has been banned, whether or not it was banned at the time of its sale, the article shall, in accordance with regulations of the director, be repurchased as follows:

(a) The manufacturer of the article shall repurchase it from the person to whom he sold it, and shall refund that person the purchase price paid for the article. If the manufacturer requires the return of the article in connection with the repurchase of it, the manufacturer shall also reimburse the person for any reasonable and necessary expenses incurred in returning it to the manufacturer.

(b) The distributor of any banned article shall repurchase it from the person to whom he sold it, and shall refund that person the purchase price paid for the article. If the distributor requires the return of the article in connection with his repurchase of it in accordance with this clause, the distributor shall reimburse that person for any reasonable and necessary expenses incurred in returning it to the distributor.

(c) In the case of any banned article sold at retail by a dealer, if the person who purchased it from the dealer returns it to him, the dealer shall refund the purchase price paid for it and reimburse him for any reasonable and necessary transportation charges incurred in its return.

Sec. 6. [325.386] BANNED HAZARDOUS TOYS; PROHIBITIONS. No person shall sell, expose for sale, deliver, give away, have in his possession, or introduce or deliver for introduction into commerce any hazardous toy or article intended to be used by a child or banned hazardous toy or article intended to be used by a child.

Sec. 7. [325.387] SEIZURES. The director shall apply to the district court to seize toys presenting hazards when no other practical method to control the hazard exists. The attorney general shall represent the director in the district court.

Sec. 8. [325.388] DIRECTORS RIGHT OF ACCESS TO PREMISES, RECORDS. For the purpose of administering the provisions of this act, the director and inspectors shall have access and entry at reasonable times to any premises in which toys or other articles within the provisions of this act are held and shall have access to all records pertinent to the enforcement of this act..

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Sec. 9. [325.389] PENALTIES. Any person who violates any of the provisions of this act shall be guilty of a misdemeanor.

Sec. 10. [325.391] SHORT TITLE. Sections 1 to 9 of this act may be cited as the "Safe Toys Act".

Approved May 21, 1973.

CHAPTER 468—H.F.No.622

An act relating to courts; grand juries; causes of challenge to a grand juror; amending Minnesota Statutes 1971, Section 628.54.

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

Section 1. Minnesota Statutes 1971, Section 628.54 is amended to read:

628.54 COURTS; GRAND JURIES; CHALLENGES; AGE. A challenge to an individual grand juror may be interposed for one or more only of the following causes:

- (1) That he is a ~~minor~~ less than 18 years of age;
- (2) That he is not a citizen of the United States;
- (3) That he has not resided in this state ~~six months~~ 30 days;
- (4) That he is insane;
- (5) That he is a prosecutor upon a charge against the defendant;
- (6) That he is a witness on the part of the prosecution, and has been served with process or bound by recognizance as such;
- (7) That a state of mind exists on his part in reference to the case or to either party which shall satisfy the court, in the exercise of a sound discretion, that he cannot act impartially and without prejudice to the substantial rights of the party challenging.

All challenges shall be entered upon the minutes and tried by the court, and the clerk shall enter its decision allowing or disallowing the challenge upon the minutes.

Approved May 21, 1973.

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