

exempt any product from the provisions of this act if it is in compliance with such other statute or regulation.

Sec. 6. [31.786] **LOCAL ORDINANCES PRE-EMPTED.** No subordinate unit of government may adopt or enforce any rule or ordinance regarding open dating of perishable foods other than this act.

Sec. 7. [31.787] **ENFORCEMENT.** In enforcing the provisions of this act, the commissioner may receive complaints and investigate possible violations. The commissioner and his employees shall have reasonable access to all places wherein any item of perishable food regulated pursuant to this act is sold or held or offered for sale, and may take samples of perishable food for analysis. The attorney general, acting for the commissioner, or any municipal or county official responsible for the enforcement of rules or ordinances, may bring an action to restrain violations of this act.

Sec. 8. [31.788] **PENALTIES.** Any person injured by a violation of this act may bring a civil action and recover damages, together with costs and disbursements.

Sec. 9. [31.789] **EXEMPTION.** Nothing in this act shall apply to any sale exempt from a license by the Minnesota Constitution, Article 1, Section 18.

Sec. 10. **EFFECTIVE DATE.** This act shall be effective as to all perishable food manufactured or processed on or after January 1, 1974.

Approved May 24, 1973.

CHAPTER 687—S.F.No.328

[Coded in Part]

An act relating to motor fuel; requiring display of octane rating; amending Minnesota Statutes 1971, Section 325.77, Subdivisions 1, 3, and 4, and by adding a subdivision.

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

Section 1. Minnesota Statutes 1971, Section 325.77, Subdivision 1, is amended to read:

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325.77 MOTOR FUEL; DISPLAY OF OCTANE RATING AND SALE PRICE. Subdivision 1. The legislature finds that the wording, arrangement, and accumulation of signs advertising the quality and the price per gallon of motor fuel and located at or near places of business for the retail sale of motor fuel, in a confusing, exaggerated, deceptive, misleading, or otherwise fraudulent manner, is detrimental to the public interest. ~~The purpose of this section is to protect the public welfare from fraud of this nature by regulating the size and location of signs displaying the retail sale price of motor fuel.~~

Sec. 2. Minnesota Statutes 1971, Section 325.77, Subdivision 3, is amended to read:

Subd. 3. It shall be unlawful for any person to offer to sell at retail and dispense or to sell at retail and dispense motor fuel into fuel supply tanks of motor vehicles unless there is continuously and publicly posted and displayed on each pump or other dispensing device the minimum octane rating and the retail price per gallon including all federal and state tax of the motor fuel dispensed therefrom:

(1) On the computer mechanism of the dispensing device, which shall state the minimum octane rating and the price per gallon including all federal and state tax and the total price of the quantity delivered, or

(2) On a separate sign not less than seven inches in height and eight inches in width and not larger than 12 inches in height and width attached to the dispensing device, which shall state clearly and legibly in figures the minimum octane rating and in figures and fractions of uniform size and prominence the total price per gallon including the per gallon amount of all tax to be collected in connection with the sale.

Sec. 3. Minnesota Statutes 1971, Section 325.77, Subdivision 4, is amended to read:

Subd. 4. Any signs or devices stating or relating to the minimum octane rating or to the retail price of motor fuel or designed and calculated to cause the public to believe that they state or relate to the minimum octane rating or the retail price of motor fuel posted or displayed on or about premises where motor fuel is sold at retail or on property adjacent thereto and within view of any public highway, road, or street shall clearly and legibly state in figures the minimum octane rating and in figures and fractions of uniform size and prominence the total price per gallon, including the per gallon amount of all tax to be collected in connection with the sale. Nothing contained in this section shall be deemed to prohibit any separate signs or decals posted or displayed

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on or about premises where motor fuel is sold at retail relating to premiums, trading stamps or other promotional devices, or the per gallon amount of tax imposed upon the sale of motor fuel, provided any sign pertaining to price of merchandise other than motor fuel clearly and legibly states in letters of the same size as the figures and fractions stating such price the name or designation of such merchandise.

Sec. 4. Minnesota Statutes 1971, Section 325.77, is amended by adding a subdivision to read:

Subd. 4a. For the purposes of this section, octane rating shall be determined in the manner described in the American Society for Testing and Materials (ASTM) "Standard Specification for Gasoline", D439-71 or such other manner as prescribed by the director of consumer services by regulations, adopted pursuant to the administrative procedures act. Such regulations shall only be promulgated to place this act in accordance with regulations promulgated by a federal agency.

Sec. 5. This act shall take effect July 1, 1974.

Approved May 24, 1973.

CHAPTER 688—S.F.No.384

[Coded]

An act relating to nursing homes; providing for the regulation thereof; imposing certain duties on the state board of health and the commissioner of public welfare; establishing rights of patients and residents of nursing homes; establishing certain boards and prescribing their powers and duties; requiring reports of maltreatment of nursing home patients; prescribing penalties; amending Minnesota Statutes 1971, Chapters 144, by adding a section; 256B, by adding sections; 609, by adding a section; and 626, by adding a section.

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

Section 1. **[144.651] HEALTH CARE FACILITIES; PATIENTS OF HEALTH CARE FACILITIES; BILL OF RIGHTS; PUBLIC POLICY.** It is the intent of the legislature and the purpose of this act to promote the interests and well being of the patients and residents of health care facilities. It is declared to be the public policy of this state that the interests of the patient be

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