

Signed by the governor April 24, 1990, 9:11 p.m.

CHAPTER 511—H.F.No. 2012

*An act relating to agriculture; adopting federal fishery product regulations as state rules for state inspections; providing sanctions for refusal to allow certain dairy inspections; providing laboratory procedures by rule for certain milk and cream testing; defining sheep milk; prescribing pasteurization and certain labeling for sheep milk; prescribing bacteria counts for certain dairy products; creating a farm safety advisory task force and a food safety advisory committee; amending Minnesota Statutes 1988, sections 32.21, subdivision 3; 32.391; 32.393; 32.394, subdivisions 1, 2, 4, and by adding a subdivision; 32.415; Minnesota Statutes 1989 Supplement, sections 31.101, by adding a subdivision; and 32.103; proposing coding for new law in Minnesota Statutes, chapter 28A.*

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. [28A.20] FOOD SAFETY ADVISORY COMMITTEE.

Subdivision 1. ESTABLISHMENT. A food safety advisory committee is established to advise the commissioner and the legislature on food issues and food safety.

Subd. 2. MEMBERSHIP. (a) The food safety advisory committee consists of:

(1) the commissioner of agriculture;

(2) the commissioner of health;

(3) a representative of the United States Food and Drug Administration;

(4) a representative of the United States Department of Agriculture;

(5) one person from the University of Minnesota knowledgeable in food and food safety issues; and

(6) eight members appointed by the governor who are interested in food and food safety, of whom:

(i) two persons are health or food professionals;

(ii) one person represents a statewide general farm organization;

(iii) one person represents a local food inspection agency; and

(iv) one person represents a food-oriented consumer group.

New language is indicated by underline, deletions by ~~strikeout~~.

(b) Members shall serve without compensation. Members appointed by the governor shall serve four-year terms.

Subd. 3. ORGANIZATION. (a) The committee shall meet monthly or as determined by the chair.

(b) The members of the committee shall annually elect a chair and other officers as they determine necessary.

Subd. 4. STAFF. The commissioner of agriculture shall provide support staff, office space, and administrative services for the committee.

Subd. 5. DUTIES. The committee shall:

(1) coordinate educational efforts about various aspects of food safety;

(2) provide advice and coordination to state agencies as requested by the agencies;

(3) serve as a source of information and referral for the public, news media, and others concerned with food safety; and

(4) make recommendations to Congress, the legislature, and others about appropriate action to improve food safety in the state.

Sec. 2. Minnesota Statutes 1989 Supplement, section 31.101, is amended by adding a subdivision to read:

Subd. 9. FISHERY PRODUCTS RULES. Federal regulations in effect on April 1, 1989, as provided by Code of Federal Regulations, title 50, parts 260 to 266, are incorporated as part of the fishery products rules in this state for state inspections performed under a cooperative agreement with the United States Department of Commerce, National Marine Fisheries Service. The rules may be amended by the commissioner under chapter 14.

Sec. 3. Minnesota Statutes 1989 Supplement, section 32.103, is amended to read:

#### **32.103 INSPECTION OF DAIRIES.**

(a) At such time as times the commissioner may deem determines proper, the commissioner shall cause to be inspected all places where dairy products are made, stored, or served as food for pay, and all places where cows are kept by persons engaged in the sale of milk or cream, and shall require the correction of all insanitary conditions and practices found therein.

(b) A refusal or physical threat, refusal, that prevents the completion of an inspection or neglect to obey any a lawful direction of the commissioner, or the commissioner's agent, given in while carrying out the provisions of this section, shall be deemed a misdemeanor may result in the suspension of the offender's

New language is indicated by underline, deletions by ~~strikeout~~.

permit or certification. The offender is required to meet with a representative of the offender's plant or marketing organization and a representative of the commissioner within 48 hours excluding holidays or weekends or the suspension will take effect. A producer may request a hearing before the commissioner or the commissioner's agent if a serious concern exists relative to the retention of the offender's permit or certification to sell milk.

Sec. 4. Minnesota Statutes 1988, section 32.21, subdivision 3, is amended to read:

Subd. 3. **ADULTERATED MILK OR CREAM.** For purposes of this section and section 32.22, milk or cream is adulterated if:

- (1) milk is drawn in a filthy or unsanitary place;
- (2) milk is drawn from unhealthy or diseased cows;
- (3) milk is drawn from cows that are fed garbage or an unwholesome animal or vegetable substance;
- (4) milk is drawn from cows within 15 days before calving, or five days after calving;
- (5) milk or cream contains a substance that is not a normal constituent of the milk or cream, as determined by laboratory procedures established by rule or except as allowed in this chapter;
- (6) milk contains water in excess of that normally present in milk; or
- (7) milk or cream contains antibiotics or other bacterial inhibitory substances in amounts above the actionable levels established by rule or under section 32.415.

Sec. 5. Minnesota Statutes 1988, section 32.391, is amended to read:

**32.391 DEFINITIONS; PASTEURIZATION; COOLING AFTER PASTEURIZATION.**

Subdivision 1. ~~MILK; SKIM MILK; LOWFAT MILK; FLUID MILK PRODUCTS; GOAT MILK APPLICATION.~~ The definitions in this section apply to this chapter.

Subd. 1a. MILK. "Milk" is defined as the whole, fresh, clean lacteal secretion, practically free from colostrum, obtained by the complete milking of one or more healthy cows. When prepared for market in final package form for beverage use, milk shall contain not less than 8.7 percent milk solids-not-fat and not less than 3.25 percent of milk fat. The name "milk," unqualified, means cow's milk.

Subd. 1b. SKIM MILK. "Skim milk" is milk from which milk fat has been

New language is indicated by underline, deletions by ~~strikeout~~.

removed so that its milk fat content is less than .25 percent. Skim milk in final package form for beverage use must contain at least nine percent milk solids-not-fat, for a total of at least 9.25 percent milk solids. Skim milk may be homogenized.

Subd. 1c. LOWFAT MILK. "Lowfat milk" is milk from which milk fat has been removed so that its milk fat content is ~~either one or~~ from one-half to two percent, within limits of good manufacturing practices. Lowfat milk in final package form for beverage use must contain at least ten percent milk solids-not-fat. Lowfat milk may be homogenized.

Milk solids-not-fat may be added to fluid milk products to meet the above standards from the following sources: partially-skimmed milk, skim milk, concentrated partially-skimmed milk, concentrated skim milk, and nonfat dry milk, used alone or in any combination.

Subd. 1d. MILK SOLIDS-NOT-FAT. "Milk solids-not-fat" is the portion of a milk product that is not water and is not fat as determined by procedures outlined in Standard Methods For The Examination Of Dairy Products (~~fifteenth~~ current edition).

Subd. 1e. FLUID MILK PRODUCTS. "Fluid milk products" ~~shall be taken to mean and include~~ means cream, sour cream, half and half, reconstituted half and half, concentrated milk, concentrated milk products, skim milk, nonfat milk, chocolate flavored milk, chocolate flavored drink, chocolate flavored reconstituted milk, chocolate flavored reconstituted drink, buttermilk, cultured buttermilk, cultured milk, vitamin D milk, reconstituted or recombined milk, reconstituted cream, reconstituted skim milk, homogenized milk, and any other fluid milk product made by the addition of any substance to milk or to any of the above enumerated fluid milk products, when the same is declared to be a fluid milk product by rule promulgated by the commissioner.

Subd. 1f. GOAT MILK. "Goat milk" is a whole, fresh, clean lacteal secretion free from colostrum, obtained by the complete milking of one or more healthy goats.

Subd. 1g. SHEEP MILK. "Sheep milk" is a whole, fresh, clean lacteal secretion free from colostrum, obtained by the complete milking of one or more healthy sheep.

Subd. 2. PASTEURIZATION. (a) The terms "pasteurization," "pasteurized," and similar terms ~~shall be taken to refer (a) to~~ mean:

(1) the process of heating every particle of milk, fluid milk products, ~~or~~ goat milk, or sheep milk, in properly operated equipment approved by the commissioner, to a temperature of at least 143 145 degrees Fahrenheit and holding ~~such~~ the temperature for at least 30 minutes; ~~or (b) to:~~

New language is indicated by underline, deletions by ~~strikeout~~.

(2) the process of heating every particle of milk, fluid milk products, ~~or~~ goat milk, or sheep milk, in properly operated equipment approved by the commissioner, to a temperature of at least 161 degrees Fahrenheit and holding ~~such~~ the temperature for at least 15 seconds; ~~or (e) to; or~~

(3) the process of heating every particle of milk, fluid milk products, ~~or~~ goat milk, or sheep milk, in properly operated equipment approved by the commissioner, to ~~such~~ the temperatures and holding for ~~such~~ the times as the commissioner may prescribe by rule adopted in accordance with law containing standards more stringent than those imposed by this subdivision.

(b) Nothing contained in this definition shall be construed as excluding any other process which has been demonstrated to be equally efficient and is approved by the commissioner.

Subd. 3. **COOLING AFTER PASTEURIZATION.** Immediately following pasteurization, all milk, fluid milk products ~~and~~, goat milk, and sheep milk shall be cooled, in properly operated equipment approved by the commissioner, to a temperature of ~~50~~ 45 degrees Fahrenheit or lower, and maintained at ~~50~~ 45 degrees Fahrenheit or lower until delivered; provided, however, that if the milk, fluid milk products, ~~or~~ goat milk, or sheep milk is to be cultured immediately after pasteurization, then such cooling may be delayed until after the culturing process is completed; provided further that the commissioner may prescribe by rule adopted in accordance with law standards more stringent than those imposed by this subdivision.

Sec. 6. Minnesota Statutes 1988, section 32.393, is amended to read:

#### 32.393 LIMITATION ON SALE.

Subdivision 1. **PASTEURIZATION.** No milk, fluid milk products, ~~or~~ goat milk, or sheep milk shall be sold, advertised, offered or exposed for sale or held in possession for sale for the purpose of human consumption in fluid form in this state unless the same has been pasteurized and cooled, as defined in section 32.391; provided, that this section shall not apply to milk, cream, skim milk, ~~or~~ goat milk, or sheep milk occasionally secured or purchased for personal use by any consumer at the place or farm where the milk is produced.

Subd. 2. **LABELS.** All pasteurized milk, fluid milk products, ~~or~~ goat milk, or sheep milk sold, offered or exposed for sale or held in possession for sale shall be labeled or otherwise designated as pasteurized milk, pasteurized fluid milk products, ~~or~~ pasteurized goat milk, or pasteurized sheep milk, and in case of pasteurized fluid milk products the label shall also state the name of the specific product.

Sec. 7. Minnesota Statutes 1988, section 32.394, subdivision 1, is amended to read:

New language is indicated by underline, deletions by ~~strikeout~~.

Subdivision 1. **GRADE A PASTEURIZED BACTERIA COUNTS.** Grade A pasteurized milk, fluid milk products and goat milk are Grade A raw milk, fluid milk products and goat milk for pasteurization which have been pasteurized, cooled and prepared for distribution in a dairy plant approved by the commissioner, the bacterial count of which at no time after pasteurization and until delivery exceeds ~~30,000~~ 20,000 bacteria per milliliter; ~~standard plate count; as determined by averaging the logarithms of the results of the last four consecutive tests of samples taken on separate days; except that such average may be over 30,000 bacteria per milliliter if the last individual result is 30,000 bacteria per milliliter or lower; and not more than one of the last four coliform counts of which shall exceed 10 per milliliter unless the last individual result is 10 per milliliter or lower; provided, that, The coliform count must not exceed ten per milliliter except that bulk tank transport shipments must not exceed 100 per milliliter. The standard plate count standard shall be omitted in the case of sour cream, cultured buttermilk, other cultured fluid milk products and cultured goat milk; provided further that the commissioner may prescribe standards and rules adopted in accordance with law more stringent than those imposed by this subdivision.~~

Sec. 8. Minnesota Statutes 1988, section 32.394, subdivision 2, is amended to read:

Subd. 2. **GRADE A RAW BACTERIA COUNTS.** Grade A raw milk or goat milk for pasteurization purposes is raw milk or goat milk which complies with all the requirements for its production, the bacterial count of which does not exceed ~~200,000~~ 100,000 bacteria per milliliter; ~~standard plate count or direct microscopic clump count; as determined by averaging the logarithms of the results of the last four consecutive tests of samples taken on separate days; except that such average may be over 200,000 bacteria per milliliter if the last individual result is 200,000 bacteria per milliliter or lower; provided that prior to commingling with other producer milk at which time the bacteria count must not exceed 300,000 per milliliter prior to pasteurization. The commissioner may prescribe standards and rules adopted in accordance with law more stringent than those imposed by this subdivision.~~

Sec. 9. Minnesota Statutes 1988, section 32.394, subdivision 4, is amended to read:

Subd. 4. **RULES.** The commissioner shall by rule promulgate identity, production and processing standards for milk, milk products and goat milk which are intended to bear the Grade A label.

In the exercise of the authority to establish requirements for Grade A milk, milk products and goat milk, the commissioner may adopt definitions, standards of identity, and requirements for production and processing ~~recommended by~~ contained in the "Grade A Pasteurized Milk Ordinance" of the United States public health service Department of Health and Human Services, in a manner provided for and not in conflict with law.

New language is indicated by underline, deletions by ~~strikeout~~.

Sec. 10. Minnesota Statutes 1988, section 32.394, is amended by adding a subdivision to read:

Subd. 8c. GRADE A OR MANUFACTURING GRADE RAW MILK. Grade A or manufacturing grade raw milk must not have been stored longer than 76 hours when it is picked up at the farm by the receiving plant. The commissioner or an agent of the commissioner may waive the 76-hour time limit in a case of hardship, emergency, or natural disaster. On farms permitted or certified for bulk tank storage, the milk may only be picked up from approved bulk milk tanks in proper working order.

Sec. 11. Minnesota Statutes 1988, section 32.415, is amended to read:

**32.415 MILK FOR MANUFACTURING; QUALITY STANDARDS.**

In order (a) The commissioner may adopt rules to provide uniform quality standards, and producers of milk used for manufacturing purposes shall conform to the standards contained in Subparts D, E, and F of the United States Department of Agriculture Consumer and Marketing Service Recommended Requirements for Milk for Manufacturing Purposes and its Production and Processing, Vol. 37 Federal Register, No. 68, Part II, April 7, 1972, with the following exceptions:

(a) (1) inspections of producers shall begin not later than January 1, 1984;

(b) (2) producers shall comply with the standards not later than July 1, 1985, except as otherwise allowed under the standards; and

(c) (3) the commissioner shall develop methods by which producers can comply with the standards without violation of religious beliefs. ~~The commissioner may adopt rules, including emergency rules, for the purpose of this clause.~~

(b) The commissioner ~~of agriculture~~ shall perform or contract for the performance of the inspections necessary to implement this section or shall certify dairy industry personnel to perform the inspections.

(c) The commissioner and other employees of the department shall make every reasonable effort to assist producers in achieving the milk quality standards at minimum cost and to use the experience and expertise of the University of Minnesota and the agricultural extension service to assist producers in achieving the milk quality standards in the most cost-effective manner.

(d) The commissioner ~~of agriculture~~ shall consult with producers, processors, and others involved in the dairy industry in order to prepare for the implementation of this section including development of informational and educational materials, meetings, and other methods of informing producers about the implementation of standards under this section.

Sec. 12. **TASK FORCE.**

New language is indicated by underline, deletions by ~~strikeout~~.

By January 1, 1991, the advisory task force on farm safety established by Laws 1989, chapter 350, article 17, section 1, shall develop a plan for a farm safety audit pilot project to be implemented by the Minnesota extension service in cooperation with selected insurance companies and shall report the plan and its other legislative recommendations to the agriculture committees of the senate and the house of representatives.

Sec. 13. AVAILABILITY OF FUNDING.

The unexpended balance of the money appropriated to the commissioner of agriculture under Laws 1989, chapter 350, article 20, section 29, is available to the commissioner until June 30, 1991, for purposes of the advisory task force in section 12.

Presented to the governor April 24, 1990

Signed by the governor April 26, 1990, 11:20 p.m.

CHAPTER 512—S.F.No. 488

*An act relating to public employment; defining equitable compensation relationships; requiring an implementation report; providing for review of plans; providing for appeals from decisions of the commissioner of employee relations; requiring the commissioner to report to the legislature; amending Minnesota Statutes 1988, sections 471.991, subdivision 5; 471.992, subdivisions 1, 2, and by adding a subdivision; 471.994; 471.998, by adding a subdivision; 471.9981, subdivision 6, and by adding subdivisions; and 471.999; Minnesota Statutes 1989 Supplement, section 485.018, subdivision 7; repealing Minnesota Statutes 1988, sections 471.992, subdivision 3; 471.996; and 471.9981, subdivisions 2 to 5.*

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1988, section 471.991, subdivision 5, is amended to read:

Subd. 5. **EQUITABLE COMPENSATION RELATIONSHIP.** "Equitable compensation relationship" means that a ~~primary consideration in negotiating, establishing, recommending, and approving total~~ the compensation for female-dominated classes is not consistently below the compensation for male-dominated classes of comparable work value in relationship to other employee positions, as determined under section 471.994, within the political subdivision.

Sec. 2. Minnesota Statutes 1988, section 471.992, subdivision 1, is amended to read:

Subdivision 1. **ESTABLISHMENT.** Subject to sections 179A.01 to 179A.25 and sections 177.41 to 177.44 but notwithstanding any other law to the con-

New language is indicated by underline, deletions by ~~strikeout~~.