

(1) One or more signs which read:

“THE MAXIMUM CRIMINAL PENALTY FOR DRIVING WHEN UNDER THE INFLUENCE OF ALCOHOL IS \$700 OR 90 DAYS IN JAIL OR BOTH. MINNESOTA STATUTES, SECTION 169.121. THE MAXIMUM CRIMINAL PENALTY FOR CRIMINAL VEHICULAR HOMICIDE IS \$20,000 OR TEN YEARS IMPRISONMENT OR BOTH. MINNESOTA STATUTES, SECTION 609.21.”

(2) One or more signs which read:

“THIS ESTABLISHMENT IS PROHIBITED BY LAW FROM SERVING ALCOHOLIC BEVERAGES TO A PERSON WHO IS UNDER 21 YEARS OF AGE OR OBVIOUSLY INTOXICATED. MINNESOTA STATUTES, SECTIONS 340A.502 AND 340A.503.”

(b) A conspicuous place is a location clearly visible to the customers.

(c) The signs must be at least 12 inches wide by eight inches high, with letters at least one inch high in clear contrast with the background.

Sec. 2. APPROPRIATION.

\$50,000 is appropriated from the general fund to the city of St. Paul and the Dayton's Bluff Historic Association for the purchase and partial rehabilitation of the Warren Burger home. * (This section was vetoed by the governor.)

Presented to the governor May 21, 1991

Signed by the governor May 24, 1991, 5:47 p.m.

CHAPTER 179—S.F.No. 510

An act relating to agriculture; changing the egg law; imposing a penalty; requiring the commissioner of agriculture to survey certain meat processors to determine interest in a state meat inspection program; requiring a report; appropriating money; amending Minnesota Statutes 1990, sections 29.21, by adding subdivisions; 29.23; 29.235; 29.26; 29.27; and 29.28; proposing coding for new law in Minnesota Statutes, chapter 29.

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

Section 1. Minnesota Statutes 1990, section 29.21, is amended by adding a subdivision to read:

Subd. 4. CHECKS. “Checks” means eggs that have cracks or breaks in the shell but have intact shell membranes that do not leak.

Sec. 2. Minnesota Statutes 1990, section 29.21, is amended by adding a subdivision to read:

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

Subd. 5. DIRTIES. “Dirties” means eggs with adhering dirt, foreign material, prominent stains, or moderate stains covering more than 1/32 of the shell surface, if localized, or 1/16 of the shell surface, if scattered.

Sec. 3. Minnesota Statutes 1990, section 29.21, is amended by adding a subdivision to read:

Subd. 6. EGG HANDLER. “Egg handler” means a person who buys, sells, transports, stores, processes, or in any other way receives or has shell eggs. This includes farmers who sell candled and graded eggs off their premises.

Sec. 4. Minnesota Statutes 1990, section 29.21, is amended by adding a subdivision to read:

Subd. 7. GRADING. “Grading” means assigning an identifying classification to a group of eggs that demonstrates that those eggs have the same degree of quality.

Sec. 5. Minnesota Statutes 1990, section 29.21, is amended by adding a subdivision to read:

Subd. 8. INCUBATOR REJECTS. “Incubator rejects” means eggs that have been subjected to incubation and have been removed during the hatching operation as infertile or otherwise unhatchable.

Sec. 6. Minnesota Statutes 1990, section 29.21, is amended by adding a subdivision to read:

Subd. 9. LEAKERS. “Leakers” means eggs that have a crack or break in the shell and shell membrane to the extent that the contents pass or are free to pass through the shell.

Sec. 7. Minnesota Statutes 1990, section 29.21, is amended by adding a subdivision to read:

Subd. 10. LOSS. “Loss” means eggs that are unfit for human consumption because they are smashed, broken, leaking, overheated, frozen, contaminated, or incubator rejects, or because they contain bloody whites, large meat spots, a large quantity of blood, or other foreign material.

Sec. 8. Minnesota Statutes 1990, section 29.21, is amended by adding a subdivision to read:

Subd. 11. RESTRICTED EGGS. “Restricted eggs” means eggs that contain dirties, checks, leakers, inedibles, loss, and incubator rejects.

Sec. 9. Minnesota Statutes 1990, section 29.23, is amended to read:

29.23 GRADING; GRADES, WEIGHT CLASSES AND STANDARDS FOR QUALITY.

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Subdivision 1. GRADES, WEIGHT CLASSES AND STANDARDS FOR QUALITY. All eggs purchased on the basis of grade by the first licensed buyer shall be graded in accordance with grade and weight classes established by the commissioner. The commissioner shall establish, by rule, and from time to time, may amend or revise, grades, weight classes, and standards for quality. When grades, weight classes, and standards for quality have been fixed by the secretary of the department of agriculture of the United States, they may be accepted and published by the commissioner as definitions or standards for eggs in interstate commerce.

Subd. 2. EQUIPMENT. The commissioner shall also by rule provide for minimum plant and equipment requirements for candling, grading, handling and storing eggs, and shall define candling. Equipment in use before the effective date of this chapter that does not meet the design and fabrication requirements of this chapter may remain in use if it is in good repair, capable of being maintained in a sanitary condition, and capable of maintaining a temperature of 50 degrees Fahrenheit (10 degrees celsius) or less.

Subd. 3. EGG TEMPERATURE. ~~It shall be mandatory that~~ Eggs must be held at a temperature not to exceed 60 50 degrees Fahrenheit (10 degrees celsius) after being received by the ~~first licensed dealer egg handler except for cleaning, sanitizing, grading, and further processing when they must immediately be placed under refrigeration that is maintained at 45 degrees Fahrenheit (7 degrees celsius) or below.~~ Eggs offered for retail sale must be held at a temperature not to exceed 45 degrees Fahrenheit (7 degrees celsius). After August 1, 1992, eggs offered for retail sale must be held at a temperature not to exceed 45 degrees Fahrenheit (7 degrees celsius). Equipment in use prior to August 1, 1991, is not subject to this requirement.

Subd. 4. VEHICLE TEMPERATURE. A vehicle used for the transportation of shell eggs from a warehouse, retail store, candling and grading facility, or egg holding facility must have an ambient air temperature of 50 degrees Fahrenheit (10 degrees celsius) or below.

Sec. 10. Minnesota Statutes 1990, section 29.235, is amended to read:

29.235 SALE OF SHELL EGGS.

Subdivision 1. RESTRICTION. Checks and dirties ~~as defined by the commissioner, shall~~ must not be sold for human consumption as shell eggs, but may be sold as such to be processed for human consumption by a processor licensed by the commissioner to break eggs for resale, except that a producer may sell such shell eggs of the producer's own production on the producer's premises directly to a household consumer for the consumer's own personal use.

Subd. 2. PACKAGE LABEL. All eggs offered for sale in cartons, boxes or cases, racks, or other packaging materials must contain the statement: "Perishable. Keep Refrigerated."

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Sec. 11. [29.236] EGGS IN UNCOOKED OR UNDERCOOKED FOODS.

Pasteurized eggs must be used in uncooked or undercooked food or food containing unpasteurized eggs must be processed under a method approved by the commissioner sufficient to destroy the pathogen salmonella. This section does not exclude the use of shell eggs certified free of pathogens by a process or mechanism approved by the commissioner.

Sec. 12. [29.237] UNIFORMITY WITH FEDERAL LAW.

Subdivision 1. SHELL EGGS. Federal regulations governing the grading of shell eggs and United States standards, grades, and weight classes for shell eggs, in effect on July 1, 1990, as provided by Code of Federal Regulations, title 7, part 56, are the grading and candling rules in this state, subject to amendment by the commissioner under chapter 14, the Administrative Procedure Act.

Subd. 2. INSPECTION. Federal regulations governing the inspection of eggs and egg products, in effect on May 1, 1990, as provided by Code of Federal Regulations, title 7, part 59, are the inspection of egg and egg products rules in this state, subject to amendment by the commissioner under chapter 14, the Administrative Procedure Act.

Sec. 13. Minnesota Statutes 1990, section 29.26, is amended to read:

29.26 EGGS IN POSSESSION OF RETAILER.

All eggs sold or offered for sale at retail must have been candled and graded and must be clearly labeled according to Minnesota consumer grades as established by rule under section 29.23. No eggs shall be sold or offered for sale as "ungraded," "unclassified," or by any other name that does not clearly designate the grade. All eggs in possession of the retailer, either in temporary storage or on display, must be held at a temperature not to exceed 60 45 degrees Fahrenheit (7 degrees celsius).

Candled and graded eggs held 31 days past the coded pack date lose their grades and must be removed from sale.

Sec. 14. Minnesota Statutes 1990, section 29.27, is amended to read:

29.27 RULES.

The department may supervise, regulate, and, in the manner provided by law make reasonable rules relative to grading, candling, cleaning, breaking, purchasing, and selling of eggs and egg products for purpose of preserving and protecting the public health. In addition hereto, it is the express purpose herein that inasmuch as the breaking of eggs for resale is a matter of state concern, the surroundings in which such product is handled ~~should~~ must be maintained in a sanitary condition, and, therefore, the department may establish, in the manner provided by law, reasonable rules relative to the inspection of all establishments wherein the business of breaking eggs for resale is maintained, and when the

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sanitary conditions of any such establishment are such that the product is rendered, or is likely to be rendered, unclean, unsound, unhealthful, unwholesome, or otherwise unfit for human consumption, it may revoke such license to break eggs for resale until such time as the department is satisfied that the establishment is maintained in a sanitary condition. The department shall have the right, from time to time, to adopt ~~different~~ rules in the same manner as herein set forth. All liquid, frozen or dried egg products sold or offered for sale shall be processed under continuous supervision of an inspector of the department or of the United States Department of Agriculture.

Sec. 15. Minnesota Statutes 1990, section 29.28, is amended to read:

29.28 VIOLATIONS, PENALTIES.

~~Any A person found guilty of any violation of sections 29.21 to 29.28 shall, upon conviction for the first offense, be violating this chapter is guilty of a misdemeanor and shall be fined \$25; for the second offense, the person shall be guilty of a misdemeanor and shall be fined \$100; and for the third and subsequent offenses the person shall be guilty of a gross misdemeanor and shall be fined \$200. In addition to such fines, the court for second offense shall suspend the person's license for 30 days; and for the third and any subsequent offense, such person's license shall be revoked for a period of one year. Each day a violation continues is a separate offense.~~

Sec. 16. SURVEY OF MEAT PROCESSORS.

Subdivision 1. SURVEY. The commissioner of agriculture shall conduct a survey of meat handlers to determine the level of interest in establishing a state meat inspection program. The survey must be based on a methodology that will inform survey participants of the costs and other implications of a state meat inspection program meeting federal meat inspection requirements.

Subd. 2. REPORT. Not later than February 1, 1992, the commissioner of agriculture shall report to the agriculture committees of the senate and the house of representatives on findings of the survey required in subdivision 1 and any legislative recommendations. * (This section was vetoed by the governor.)

Sec. 17. APPROPRIATION.

\$10,000 is appropriated from the general fund to the commissioner of agriculture for the study and report required in section 16. * (This section was vetoed by the governor.)

Sec. 18. EFFECTIVE DATE.

This act is effective July 1, 1991.

Presented to the governor May 21, 1991

Signed by the governor May 24, 1991, 6:27 p.m.

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