

CHAPTER 29

POULTRY, EGGS

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29.001 DEFINITION. Subdivision 1. Except where the context otherwise indicates, for the purposes of this chapter, the terms defined in this section have the meanings given them.

Subd. 2. "Commissioner" means the commissioner of the department of agriculture.

[1961 c 113 s 1; 1961 c 128 s 12]

POULTRY

29.01 [Repealed, 1949 c 211 s 11]

29.011 POULTRY IMPROVEMENT BOARD. For the purpose of fostering the development of the poultry industry of the state, particularly through the improvement of breed type and productiveness of poultry flocks and through the control and eradication of infectious and communicable diseases, and for the further purpose of improving the marketing of poultry and poultry products, and of affording protection to buyers of poultry breeding stock by providing and indicating dependable sources from which poultry may be purchased, there is hereby created a body to be known as the Minnesota poultry improvement board, which shall be constituted as follows: the chief of the poultry division of the college of agriculture, university of Minnesota, the secretary and executive officer of the state livestock sanitary board, and six other members, who shall be competent and experienced poultrymen, one of whom shall be an owner and operator of a commercial poultry hatchery, one of whom shall be a turkey breeder, one of whom shall be a broiler producer, one of whom shall be a market egg producer, one of whom shall be a packer-processor of poultry and eggs, and one of whom shall be a poultry breeder, all of the latter six board members to be appointed by the governor, each for a term of three years and until his successor qualified. This Minnesota poultry improvement board shall act in an advisory capacity with the commissioner of agriculture in carrying out the provisions of sections 29.021 to 29.091.

[1931 c 408 s 1; 1957 c 672 s 1; 1961 c 110 s 2; 1961 c 113 s 1] (5460-7)

29.013 BOARD TO SERVE WITHOUT COMPENSATION. The members of the Minnesota poultry improvement board shall serve without compensation, but the expenses of each, necessarily incurred in the discharge of his duties, shall be paid by the state. The board shall hold quarterly meetings at the seat of government on the first Tuesday after the first Monday in January, April, July, and October. Officers shall be elected at the April meeting. Special meetings may be held upon the call of the president of the board. Three members shall constitute a quorum.

[1931 c 408 s 2] (5460-8)

29.02 [Repealed, 1949 c 211 s 11]

29.021 POWERS AND DUTIES OF COMMISSIONER OF AGRICULTURE.

The commissioner of agriculture shall have the power to employ such persons as are necessary to carry out the provisions of sections 29.021 to 29.091, and to fix all salaries and provide for expenses generally not inconsistent with law. The commissioner is authorized and directed to formulate and adopt plans whereby owners of poultry flocks and poultry breeding flocks may, upon application, have their flocks culled, inspected, and supervised, to the end that these flocks may

be accredited and certified for standard type and egg quality and production; and likewise, poultry hatcheries and dealers may be accredited and certified as hatching and selling products produced only from accredited and certified flocks. The commissioner is authorized to make, publish, and enforce rules and regulations to these ends, not inconsistent with law, and to define, prescribe, and authorize the use of uniform terminology to apply to varying degrees of accreditation and certification. The commissioner is authorized to adopt the "standard breeding plan" of accreditation and certification sponsored by the United States department of agriculture, or any other plan, and to cooperate with that department in matters of poultry improvement, egg quality and production. The commissioner is authorized to prescribe and collect fees for inspection and supervision, and to prescribe and furnish labels, leg bands, and certificates of accreditation and certification and such other supplies as may be necessary, and to prescribe and collect fees for the same. The commissioner is authorized to do such other things as he may deem needful and expedient to improve poultry breeding and practices and egg quality and production and to give effect to sections 29.021 to 29.091, in connection with those parties who wish to comply with the programs promulgated in accordance with this section.

[1931 c 408 s 3; 1957 c 672 s 2; 1959 c 116 s 1; 1961 c 110 s 3; 1961 c 113 s 1] (5460-9)

29.025 DIVISION OF POULTRY INDUSTRIES CREATED. Except as otherwise provided by this section, all persons employed by the poultry improvement board in the classified service of the state are hereby transferred to the division of poultry industries created by this section in the department of agriculture. Any unclassified employee of the poultry improvement board with more than 25 years service with said board shall also be transferred, with permanent civil service status, to a position of director of the division of poultry industries to be established by the commissioner of agriculture.

[1957 c 672 s 20; 1961 c 113 s 1]

29.03 [Repealed, 1949 c 211 s 11]

29.031 ADVERTISING. Owners of accredited and certified poultry breeding flocks and hatcheries shall have the right to use the terminology prescribed by the commissioner of agriculture in their literature and advertising and on shipping labels. The commissioner may, by regulation, require the submission of all or any part of such literature and advertising matter to him for review and approval before publication or issuance.

[1931 c 408 s 4; 1957 c 672 s 3; 1961 c 113 s 1] (5460-10)

29.04 [Repealed, 1949 c 211 s 11]

29.041-29.048 [Repealed, 1957 c 819 s 9]

29.049 DEPOSITS IN GENERAL FUND; REVOLVING ACCOUNT. Subdivision 1. **Disposal of fees.** All fees collected under sections 29.021 to 29.091, except receipts derived from the quality egg program, shall be deposited in the general revenue fund. Receipts derived from the quality egg program established under section 29.021 are appropriated annually to the commissioner to carry out the purposes and pay the expenses of the program.

Subd. 2. **Stores for resale revolving account.** The poultry industries division stores for resale revolving account is hereby created in the state treasury to enable the poultry industries division of the department of agriculture to purchase stores for resale. The account consists of the amounts appropriated by Laws 1941, Chapter 521, Section 6, Item 8-b, and Laws 1943, Chapter 638, Section 6, Item 8-b, which amounts are hereby transferred to the account created by this subdivision. The account also consists of proceeds from the sale of stores, which proceeds shall be deposited in the account. All money in the account is appropriated annually to the commissioner for the purposes set forth in this subdivision. At the end of each fiscal year the unobligated balances in the amount in excess of \$2,500 shall be deposited in and for the benefit of the general revenue fund.

[1931 c 408 s 5; 1957 c 672 s 4; 1961 c 110 s 4; 1961 c 113 s 1; 1961 c 245 s 1] (5460-11)

29.05 [Repealed, 1959 c 49 s 2]

29.051 POULTRY DISEASE ERADICATION. The state livestock sanitary board shall cooperate with the commissioner of agriculture in all ways consistent with law. The livestock sanitary board shall have exclusive jurisdiction and control over all matters pertaining to poultry diseases and the control and eradi-

cation thereof. The livestock sanitary board is hereby authorized to formulate, adopt, and enforce rules and regulations whereby owners of poultry breeding flocks may, upon agreement with the board, have such flocks examined, tested, and officially designated as meeting the qualifications for any stage of eradication of any specified communicable infectious disease when and as approved methods for official testing for such other disease may be adopted by the board, if personnel is available and funds are appropriated for the use of the board in making such tests and inspections.

[1931 c 408 s 6; 1957 c 672 s 5; 1961 c 113 s 1] (5460-12)

29.06 [Repealed, 1959 c 49 s 2]

29.061 PRODUCTS TO BE LABELED. All poultry and poultry products shipped under the authority of sections 29.021 to 29.091 shall be uniformly labeled with designs prescribed and furnished by the commissioner of agriculture; provided that all labeling pertaining to disease or freedom therefrom shall first be approved by the state livestock sanitary board.

[1931 c 408 s 7; 1957 c 672 s 6; 1961 c 113 s 1] (5460-13)

29.07 [Repealed, 1959 c 49 s 2]

29.071 CERTAIN ADVERTISING FORBIDDEN. No person, firm, association, partnership, or corporation shall use in literature, advertising material or on shipping labels, or otherwise, any language, words or phrases implying or indicating a breeding or a disease eradication or control status in conjunction with either the word "state" or the word "Minnesota," or both, as related to a poultry hatchery or a poultry breeding flock, except under the authority of sections 29.021 to 29.091.

[1931 c 408 s 8; 1957 c 672 s 7] (5460-14)

29.08 [Repealed, 1955 c 46 s 4]

29.081 MAY CANCEL CERTIFICATES. In his discretion, the commissioner of agriculture may cancel any certificate of accreditation or certification issued under his authority, and likewise the secretary and executive officer of the state livestock sanitary board may cancel any certificate of testing, approval, or accreditation issued under the authority of his board, for violation of sections 29.021 to 29.091, or any rule or regulation adopted thereunder; and any person, firm, association, partnership, or corporation who shall violate any provision of sections 29.021 to 29.091, or any regulation adopted thereunder, shall be guilty of a misdemeanor.

[1931 c 408 s 9; 1957 c 672 s 8; 1961 c 113 s 1] (5460-15)

29.09 [Repealed, 1949 c 211 s 11]

29.091 LICENSING OF BABY CHICK AUCTIONS. Subdivision 1. **Permit required for sale of baby chicks.** Before any baby chicks are offered for sale at any auction or auction barn or community sale, except public sales conducted by farmers selling baby chicks hatched on their own farms, a permit shall be obtained for the conduct of such auction from the commissioner of agriculture.

Subd. 2. **Application for permit.** Any person who desires to offer baby chicks for sale at auction, as defined in subdivision 1, shall apply for a permit so to do to the commissioner of agriculture, on a form which shall be prescribed by him. The application shall be signed by the person who proposes to conduct such sale, together with the person who owns the property in or on which such sale is to be conducted, if the person who proposes to conduct such sale does not own such property. The application shall designate the date of the proposed sale, the number and breeds of chicks which are to be offered for sale and the name and post office address of the person or persons by whom such chicks were hatched. The application shall be accompanied by a fee in the sum of \$15 for each and every day or fraction thereof during which or on which it is proposed to sell such baby chicks. The commissioner of agriculture is hereby authorized in his discretion to grant or deny the permit requested in such application; and, as a prerequisite to the granting of such permit, may require the applicant to submit information or evidence, in such form as the commissioner may specify, as to the condition of health of the baby chicks so to be offered for sale, including information or evidence as to the health of the parent flocks that produced the eggs from which such chicks were hatched.

Subd. 3. **Crates of chicks to be labeled.** Before any such chicks are offered for sale or sold, each box, crate or other container in which it is intended to deliver said chicks to purchaser shall be plainly labeled with the name of the breed, date hatched, the number of chicks within the container, the name and post office address of the person or persons by whom hatched, the place where hatched and, if

determination of the sex of said chicks is represented to have been made at the time of sale, the said label shall state the minimum guaranty of pullets or cockerels, as the case may be.

Subd. 4. **List of number and kind of chicks sold.** Within three days after the sale shall have been held, as herein provided, the person who conducted the sale shall send a statement to the commissioner of agriculture giving a complete list of the number and kinds of baby chicks sold at such sale, together with a copy of the representations and guaranties made in relation thereto, if any such were made by the person who conducted such sale; and the person conducting such sale shall be held to have had full knowledge of such representations and guaranties and shall be as fully responsible and liable for any such representations and guaranties as is the person who set forth such representations and guaranties, as provided in subdivision 2.

Subd. 5. **Rules and regulations.** The commissioner of agriculture is hereby authorized to make such rules and regulations, not inconsistent with law, as may be necessary to administer the provisions of this section.

Subd. 6. **Baby chick defined.** The term "baby chick" as used in this section means any domestic fowl under the age of six weeks. The term "person" includes all firms and corporations. The term "person conducting the sale" shall not be construed to mean the auctioneer, unless the auctioneer is the owner or holds himself forth as the owner of the property to be sold.

Subd. 7. **Violation a misdemeanor.** Any person who shall violate any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$100 and any person who shall violate any of the provisions of this section two or more times shall be deemed guilty of a gross misdemeanor for each of such subsequent offenses.

[1945 c 141 s 1-7; 1957 c 672 s 9-12; 1961 c 113 s 1]

29.10 [Repealed, 1949 c 211 s 11]

29.11 [Repealed, 1949 c 211 s 11]

29.12 [Repealed, 1949 c 211 s 11]

29.13 [Repealed, 1959 c 49 s 2]

29.201 **BUYERS OF DOMESTIC FOWLS; DEALERS' REGISTERS.** Every person who engages in the business of buying chickens, turkeys, or other domestic fowl of any kind shall keep and maintain a complete record of all such transactions in a ledger or other suitable book of account permanently bound, which for the purposes of sections 29.201 to 29.205 shall be known as such dealer's register. In such register he shall enter a complete record of each purchase of chickens, turkeys, or other domestic fowl, to which he was a party; and shall show the name and address of the person from whom the same was bought, and, when the transaction is with a person other than a regular customer of the buyer from whom the buyer has made similar purchases within one year from the date of such transaction, the means by which the same were transported to the place of purchase, the type of conveyance, and if by truck or other motor vehicle the license number of such truck or motor vehicle, the date of such purchase, and the number, kind, species and a general description of all such chickens, turkeys, or other domestic fowl involved in such transaction.

[1927 c 319 s 1; 1943 c 102 s 1] (6240-19)

29.203 **REGISTER PRIMA FACIE EVIDENCE.** Every register made or kept in compliance with the provisions of sections 29.201 to 29.205 shall be prima facie evidence of the truth and accuracy of the facts therein stated or appearing as required thereby. Every such register shall at all times be open to inspection and examination by any peace officer or any public official charged with the duty of law enforcement, as often as and when required by him.

[1927 c. 319 s. 2] (6240-20)

29.205 **FAILURE TO KEEP REGISTERS; FALSE ENTRY THEREIN.** Any person who fails to keep such record or causes to be entered or recorded any false, untruthful, deceptive, or misleading statement or data in any register required to be kept by sections 29.201 to 29.205, or who changes, alters, destroys, mutilates, injures, secretes, conceals, or withholds from inspection any such register, or any part thereof, shall be guilty of a misdemeanor. This misdemeanor shall be deemed separate, apart from, and in addition to, any other crime or offense against the law committed by such person in connection with such transaction.

[1927 c. 319 s. 3] (6240-21)

EGGS

29.21 DEFINITIONS. Subdivision 1. The word "person" when used in sections 29.21-29.28 means any individual, firm, partnership, corporation, company, association, joint stock association, and shall include any officer, employee, agent, trustee, receiver, assignee, or other similar representative thereof, provided that neither a producer of eggs when selling shell eggs of his own production nor a hatchery which produces or purchases shell eggs solely for hatching shall be deemed a "person."

Subd. 2. The word "commissioner" shall mean the commissioner of agriculture.

Subd. 3. The word "department" means the department of agriculture unless otherwise indicated.

[1957 c 819 s 1; 1961 c 113 s 1; 1961 c 406 s 1]

29.22 DEALER'S LICENSES, FEES Subdivision 1. No person shall engage in the business of buying for resale, selling, dealing in, or trading in eggs except a retail grocer who sells eggs previously candled and graded without first obtaining a license therefor from the commissioner. Applications for such license shall be made in writing upon forms to be prepared by the commissioner. The annual license fee for such business shall be \$5 for each place or location whereat such business of the applicant is being or will be conducted. The commissioner shall, before issuing any license, determine that the applicant is a proper and qualified person to conduct such business. Every license shall expire on the last day of May next following the issuance thereof. Such licenses may be renewed for additional periods of one year upon written application therefor and payment of a \$5 fee for each place or location whereat such business is being or will be conducted.

Subd. 2. In addition to the annual dealer's license, there shall be an annual inspection fee 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 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.

Subd. 3. The commissioner shall have general supervisory powers over the candlers and graders of eggs and may conduct, in collaboration with the institute of agriculture and the extension service of the university of Minnesota, an educational and training program to improve the efficiency and quality of the work done by such candlers.

Subd. 4. No person shall engage 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.

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, 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.

[1957 c 819 s 2; 1959 c 49 s 1; 1961 c 406 s 2, 3, 4]

NOTE: Laws 1961, Chapter 406, Section 7 reads, "This act takes effect on October 1, 1961. The commissioner of agriculture shall charge eight twelfths of the annual license fee required by section 2 and eight twelfths of the annual inspection fee required by section 3 for the eight-month license and inspection period from October 1, 1961, to May 31, 1962. After May 31, 1962, the commissioner shall charge the annual fees set forth in sections 2 and 3 respectively, for licenses and for inspection services."

29.23 CANDLING. The first licensed buyer shall cause all eggs to be candled and graded according to Minnesota purchase grades as established by the commissioner and shall remove all adulterated and inedible eggs before purchase. Such candling and grading shall be done before payment in full is made, but nothing in this section shall be construed to prevent a licensed buyer from advancing or making a partial payment to the producer before such candling and grading. Such candling and grading shall also be done within the state of Minnesota unless the first licensed buyer obtains special permission in writing from the commissioner to do such candling and grading outside the state of Minnesota, in which event the commissioner shall require that such candling and grading be done under the supervision of the grading service of the United States department of agriculture on a continuous basis or under comparable supervision approved by the commissioner and that a grading report based on Minnesota purchase grades be issued to the producer for each lot of eggs candled and graded. The commissioner shall promulgate by regulation Minnesota purchase grades and Minnesota consumer grades and the standards on which these grades are based. The commissioner shall also by regulation provide for minimum plant and equipment requirements for candling, grading, handling and storing eggs, and shall define candling. It shall be mandatory that eggs be held at a temperature not to exceed 60 degrees Fahrenheit after being received by the first licensed dealer.

[1957 c 819 s 3; 1961 c 406 s 5]

29.24 ADULTERATED OR INEDIBLE EGGS, SALE FORBIDDEN. No person shall buy, sell, offer or expose for sale, or have in his possession for sale, eggs for human consumption that are inedible or adulterated. Eggs that are filthy, putrid, decomposed, or otherwise unfit for food in whole or in part, shall be deemed to be adulterated. Eggs which contain black rots, white rots, mixed rots (addled eggs), sour eggs with green whites, eggs with stuck yolks, moldy eggs, musty eggs, eggs showing blood rings, eggs containing embryo chicks (at or beyond the blood ring stage), or any other eggs that are filthy, decomposed, or putrid shall be deemed to be inedible.

[1957 c 819 s 4]

29.25 DOCKAGE; OVERGRADE OR UNDERGRADE OF EGGS; RECORDS OF SALES AND PURCHASES. No person in buying or selling eggs shall take or give a greater or lesser dockage for eggs unfit for human food, as herein defined, than the actual dockage as determined by the correct candling of the eggs purchased or sold. No person in buying or selling eggs shall overgrade or undergrade eggs. All licensed persons shall keep such candling and grading records of eggs purchased or sold as may be required by the rules and regulations promulgated by the commissioner, which records shall be available at all reasonable times for inspection and examination by the commissioner, inspector or employees of the department of agriculture.

[1957 c 819 s 5; 1961 c 113 s 1]

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 regulation 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 degrees Fahrenheit.

[1957 c 819 s 6; 1961 c 406 s 6]

29.27 RULES. The department is hereby vested with the power and authority to supervise, regulate, and, in the manner provided by law make reasonable rules and regulations relative to grading, candling, 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 re-sale is a matter of state concern, the surroundings in which such product is handled should be maintained in a sanitary condition, and, therefore, the department may establish, in the manner provided by law, reasonable rules and regulations relative to the inspection of all establishments wherein the business of breaking eggs for re-sale is maintained, and when the 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 shall have authority to revoke such license to break eggs for re-sale 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 and regulations in the same manner as herein set forth.

[1957 c 819 s 7; 1961 c 110 s 1]

29.28 VIOLATIONS, PENALTIES. Any person found guilty of any violation of sections 29.21 to 29.28 shall, upon conviction for the first offense, be guilty of a misdemeanor and shall be fined \$25; for the second offense, he shall be guilty of a misdemeanor and shall be fined \$100; and for the third and subsequent offenses he shall be guilty of a gross misdemeanor and shall be fined \$200. In addition to such fines, the court for second offense shall suspend his 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.

[1957 c 819 s 8]