

CHAPTER 29

POULTRY, EGGS

Sec.		Sec.	
29.001	Definition	29.17	Deposit of fees; turkey development program
	POULTRY	29.18	Refund of fee; turkey development program
29.011	Poultry improvement board	29.19	Wild turkeys, application of development program
29.013	Board to serve without compensation	29.201	Buyers of domestic fowls; dealers' registers
29.021	Powers and duties of commissioner of agriculture	29.203	Register prima facie evidence
29.025	Division of poultry industries created	29.205	Failure to keep registers; false entry therein
29.031	Advertising		EGGS
29.049	Deposits in general fund; revolving account	29.21	Definitions
29.051	Poultry disease eradication	29.22	Dealers annual inspection fee; disposition of fees
29.061	Products to be labeled	29.23	Candling
29.071	Certain advertising forbidden	29.235	Sale of shell eggs
29.081	May cancel certificates	29.24	Adulterated or inedible eggs, sale forbidden
29.091	Licensing of baby chick auctions	29.25	Dockage; overgrade or undergrade of eggs; records of sales and purchases
29.14	Turkey research, production and marketing; definitions	29.26	Eggs in possession of retailer
29.15	Administration of turkey development program	29.27	Rules
29.16	Suspension or termination of turkey promotional order	29.28	Violations, penalties

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29.01 [Repealed, 1949 c 211 s 11]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 secretary and executive officer of the state livestock sanitary board, one representative of the department of animal science of the institute of agriculture, university of Minnesota, whose primary concern is in the field of poultry, 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 seven 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; 1969 c 162 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 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 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; 1969 c 399 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 eradication 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]

29.14 TURKEY RESEARCH, PRODUCTION AND MARKETING; DEFINITIONS. Subdivision 1. For the purpose of sections 29.14 to 29.19 the terms defined in this section have the meanings given to them.

Subd. 2. "Turkeys" means any and all breeds or varieties of turkeys produced in Minnesota and marketed for human consumption.

Subd. 3. "Commissioner" means the commissioner of agriculture.

Subd. 4. "Advisory board" means the board of 15 members who assist the commissioner in the administration of sections 29.14 to 29.19.

Subd. 5. "Producer or grower" means any person growing or causing to be grown in the state of Minnesota 200 or more turkeys, and which are marketed for human consumption.

Subd. 6. "Qualified voter" means any producer or grower defined herein.

Subd. 7. "Marketing year" means a one year period from March 1 to the last day of February.

Subd. 8. "Promotional order" means an order issued by the commissioner pursuant to sections 29.14 to 29.19, which establishes a program for research and development of the growing, processing, distributing, sale of, or handling of turkeys or turkey products, and providing for the collection of fees financing the same.

[1965 c 387 s 1]

29.15 ADMINISTRATION OF TURKEY DEVELOPMENT PROGRAM.

Subdivision 1. Upon the petition of 100 turkey producers or growers, the commissioner of agriculture shall proceed to hold the election for the members of the advisory board of 15 members. The commissioner shall divide the state into five equal areas, in accordance with turkey production, and shall provide for the election of three producer or grower members from each area. Five shall be elected for a period of three years; five shall be elected for a period of two years and five shall be elected for a period of one year; thereafter all terms shall be for three years. No member shall serve more than two consecutive three year terms and vacancies shall be filled by a majority vote of the members of the advisory board.

Subd. 2. In the administration of sections 29.14 to 29.19 the commissioner, with the assistance of the advisory board, shall have and may exercise any or all of the administrative powers conferred by Minnesota Statutes, Chapter 17, to be exercised in the manner provided in chapter 15.

Subd. 3. The advisory board shall meet within 15 days after the election and having been certified by the commissioner. The board and commissioner shall formulate a promotional order establishing a program for research and development to promote the production and marketing of turkeys, including but not limited to production, market research, processing, and distribution. The order shall provide for the method of collecting fees from producers and growers to finance the proposed activities and shall not exceed two cents per turkey over ten pounds, eviscerated, or one cent per turkey under ten pounds, eviscerated, sold by the producer or grower. The commissioner, with the advice and consent of the advisory board, shall hold a public hearing on the promotional order and shall thereafter hold a referendum on the final promotional order among producers and growers. The commissioner, with the advice and consent of the advisory board, shall specify the time and procedure of the referendum. The commissioner shall count and tabulate the ballots. The promotional order shall become effective only if at least 65 percent of the qualified voters voting, who produced not less than 51 percent of the turkeys produced the preceding marketing year, vote in favor of the promotional order.

Subd. 4. No member of the advisory board shall receive a salary but each shall be entitled to his actual expenses incurred while engaged in the performance of the duties herein authorized. The advisory board may appoint an attorney for the advisory board and the commissioner. The advisory board shall fix the compensation and terms of employment of the attorney who shall act for it and the commissioner in all matters. The provisions of Minnesota Statutes, Chapter 8, shall not apply to this attorney. The commissioner, with the advice and consent of the advisory board, may: (a) Enter into contracts or agreements with the Minnesota department of agriculture, (b) employ necessary agencies and personnel and fix their compensation and terms of employment. In addition to the other duties and powers of the advisory board, as herein set forth, they shall have the following additional duties and powers: (a) To draft and administer the promotional order, (b) to recommend to the commissioner administrative rules and regulations relating to the promotional order, (c) to recommend amendments to the order, (d) to submit to the commissioner an estimated budget for the operation and implementation of the promotional order, (e) to assess producers and provide the procedure for the collection of funds to finance the promotional order, (f) to collect such necessary information and data as the commissioner and the advisory board may deem necessary to the proper administration of sections 29.14 to 29.19, (g) to provide for an annual audit of funds to be made by a qualified auditing firm, (h) to coordinate and report on the progress of the promotional order.

[1965 c 387 s 2]

29.16 SUSPENSION OR TERMINATION OF TURKEY PROMOTIONAL ORDER. Subdivision 1. The commissioner, with the advice and consent of the advisory board, shall suspend or terminate a promotional order whenever he finds, after a public hearing, that an order is contrary to or does not tend to effectuate the declared purposes or provisions of sections 29.14 to 29.19, provided that such suspension or termination shall not become effective until the expiration of the current marketing year.

Subd. 2. If the commissioner, with the advice and consent of the advisory board, finds that the termination of a promotional order is requested in writing by more than 51 percent of the producers or growers who are engaged within the state of Minnesota in the production of turkeys for market and who produced 51 percent of the volume of turkeys within the state of Minnesota for market, the commissioner shall terminate this promotional order, effective at the end of the current marketing year.

[1965 c 387 s 3]

29.17 DEPOSIT OF FEES; TURKEY DEVELOPMENT PROGRAM. Fees collected pursuant to sections 29.14 to 29.19 shall be deposited in a bank or banks or other depository approved by the commissioner of banks and shall be disbursed by such officers and employees as may be approved by the commissioner with the advice and consent of the advisory board for the necessary expenses incurred with respect to sections 29.14 to 29.19. All persons authorized to control, handle, or disburse funds shall provide bond in such manner and in such amount as may be required from time to time by the advisory board.

[1965 c 387 s 4]

29.18 REFUND OF FEE; TURKEY DEVELOPMENT PROGRAM. Any grower may, by the use of forms furnished by the commissioner, have the fee paid pursuant to sections 29.14 to 29.19 refunded to him, provided such request for refund is received in the office of the commissioner within 60 days following the payment of such fee. Refunds shall be made by the commissioner within 30 days after receipt of such request for refund.

[1965 c 387 s 5]

29.19 WILD TURKEYS, APPLICATION OF DEVELOPMENT PROGRAM. Sections 29.14 to 29.19 shall not apply to any wild turkeys raised on private game farms or other private preserves.

[1965 c 387 s 6]

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 to 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 produced on a farm occupied and cultivated by him, 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; 1967 c 141 s 1]

29.22 DEALERS ANNUAL INSPECTION FEE; DISPOSITION OF FEES.

Subdivision 1. [Repealed, 1971 c 339 s 27]

Subd. 2. In addition to the annual dealer's license, required under section 28A.04, there shall be an annual inspection fee applicable to every person who engages in the business of buying for resale, selling, dealing, or trading in eggs except a retail grocer who sells eggs previously candled and graded, such fee to be 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. 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 subject to such inspection fee 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. Any person engaged in the business of breaking eggs for resale shall at all times comply with the rules and regulations of the department in respect to the conduct of such business. The commissioner shall collect from each egg breaking plant laboratory fees for routine analysis and full reimbursement for services performed by a state inspector assigned to that plant on a continuous basis as provided for in section 29.27.

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, as well as all license fees and penalties for late license renewal, shall be deposited in the

state treasury, and 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.

NOTE: Laws 1971, Chapter 339, Section 28, reads in part as follows: "... provided, that all licenses for food processors or manufacturers shall be renewable on January 1, 1972, and annually thereafter, and all licenses for retail and wholesale food handlers shall be renewable on July 1, 1972, and annually thereafter."

[1957 c 819 s 2; 1959 c 49 s 1; 1961 c 406 s 2, 3, 4; 1969 c 231 s 1; 1971 c 339 s 17-19]

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]

29.235 SALE OF SHELL EGGS. Checks, dirties and grade C eggs as defined by the commissioner, shall 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 his own production on his premises directly to a household consumer for the consumer's own personal use.

[1969 c 231 s 3]

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 sec-

tion 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 may supervise, regulate, and, in the manner provided by law make reasonable rules and regulations 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 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 may 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. 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.

[1957 c 819 s 7; 1961 c 110 s 1; 1963 c 286 s 1; 1969 c 231 s 2]

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]