

to the last day for filing ballots. In addition, each ballot shall be accompanied by a notice to each participating grower:

(a) Of the date of the filing of the petition by the growers for the referendum and the number of signatures contained thereon;

(b) Of the date and place where the councils will open and tabulate the ballots, which date shall be not less than five days after the last date for filing the ballots;

(c) Of the last date upon which ballots shall be filed with the council, or postmarked if delivered to the council by mail;

(d) That any participating grower may attend the meeting of the council at the time the ballots are opened and the votes tabulated.

If a majority of the participating growers voting upon the question are in favor of the proposed change, the council shall certify the result to the commissioner with the request that the department prepare a bill to submit to the legislature at the next legislative session to modify sections 30.461 to 30.477 in conformity therewith. The results of such referendum shall be advisory only and the legislature shall in no way be obligated to adopt legislation enacting the proposals contained in any referendum.

[1973 c 35 s 10]

CHAPTER 31. FOODS

QUALITY ASSURANCE DATING [NEW]

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QUALITY ASSURANCE DATING [NEW]

31.781 Declaration of policy

The legislature recognizes the entire food industry in the nation as leaders in the world in providing wholesome, nutritious, fresh and clean food to its citizens and to others. The Minnesota department of agriculture is hereby authorized and directed to promulgate rules and regulations which provide for a quality assurance date on perishable foods, to assure this industry's continuation and the degree of improvement reasonable and feasible, so as to provide people with wholesome, nutritious, fresh and clean food.

[1973 c 686 s 1]

31.782 Definitions

Subdivision 1. As used in sections 31.781 to 31.789, the following terms shall have the meanings ascribed to them.

Subd. 2. "Commissioner" means the commissioner of agriculture or designee.

Subd. 3. "Perishable food" means any food intended for human consumption (other than meat and poultry, frozen food, or fresh fruit or vegetables), which has a quality assurance date.

Subd. 4. "Quality assurance date" means any date after which the manufacturer or processor reasonably determines that the product may, by spoilage, wiltage, drying or any other foreseeable and normal natural phenomenon, lose its palatability or its desired or nutritive properties. The date shall include the day, month, and, if appropriate, the year.

[1973 c 686 s 2]

31.783 FOODS

31.783 Regulations, scope

Subdivision 1. The commissioner shall administer and enforce the provisions of sections 31.781 to 31.789 by regulations adopted prior to October 1, 1973 pursuant to the administrative procedures act.

Subd. 2. Perishable foods which bear a quality assurance date of 90 days or less from the date of packaging shall be dated in accordance with the regulations adopted pursuant to sections 31.781 to 31.789.

Subd. 3. Perishable foods which bear a quality assurance date of more than 90 days from the date of packaging may require dating in accordance with regulations adopted pursuant to sections 31.781 to 31.789.

Subd. 4. Whenever the commissioner has reason to believe that any regulation adopted pursuant to sections 31.781 to 31.789 is inappropriate or unsuitable to any particular perishable food product or products, the commissioner may, in accordance with the administrative procedures act, waive the application of such regulations as to such product or products.

[1973 c 686 s 3]

31.784 Expiration of quality assurance date

Nothing contained in sections 31.781 to 31.789 or any regulation adopted pursuant hereto shall require the removal from sale of a perishable food product after the expiration of the quality assurance date on the product nor imply that after the expiration of the quality assurance date on the product, the product is not wholesome or safe for human consumption.

[1973 c 686 s 4]

31.785 Regulations of other states and the federal government

If any other state, or the federal government, adopts an open dating statute or regulation which provides for information and enforcement equal to or greater than that of sections 31.781 to 31.789, the commissioner may, by regulation, exempt any product from the provisions of sections 31.781 to 31.789 if it is in compliance with such other statute or regulation.

[1973 c 686 s 5]

31.786 Local ordinances pre-empted

No subordinate unit of government may adopt or enforce any rule or ordinance regarding open dating of perishable foods other than sections 31.781 to 31.789.

[1973 c 686 s 6]

31.787 Enforcement

In enforcing the provisions of sections 31.781 to 31.789, the commissioner may receive complaints and investigate possible violations. The commissioner and his employees shall have reasonable access to all places wherein any item of perishable food regulated pursuant to sections 31.781 to 31.789 is sold or held or offered for sale, and may take samples of perishable food for analysis. The attorney general, acting for the commissioner, or any municipal or county official responsible for the enforcement of rules or ordinances, may bring an action to restrain violations of sections 31.781 to 31.789.

[1973 c 686 s 7]

31.788 Penalties

Any person injured by a violation of sections 31.781 to 31.789 may bring a civil action and recover damages, together with costs and disbursements.

[1973 c 686 s 8]

31.789 Exemption

Nothing in sections 31.781 to 31.789 shall apply to any sale exempt from a license by the Minnesota Constitution, Article I, Section 18.

[1973 c 686 s 9]