

MINNESOTA STATUTES 1975 SUPPLEMENT

FOOD LAW 31.101

CHAPTER 30. VEGETABLES, FRUIT

Sec.
30.20 Fees.

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Fees for inspection shall be determined by the commissioner. Fees shall be reviewed and, if necessary, adjusted each six months to the end that such fees shall, insofar as it is practicable, cover the cost of the services rendered.

[1975 c 204 s 72]

CHAPTER 31. FOOD LAW

Sec.		Sec.	
31.101	Regulations; hearings; uniformity with federal law.	31.39	Assessments; inspection services; commercial canneries account.
31.102	Definitions, standards of identity; temporary permits.	31.60	Meat industry division.
31.103	Fair packaging and labeling provisions.	31.633	Meat substitutes; indication on menu; penalties. [New]
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31.101 Regulations; hearings; uniformity with federal law.

Subdivision 1. The authority to promulgate and amend regulations for the efficient administration and enforcement of the Minnesota food law is vested in the commissioner and is in addition to authority granted in sections 31.10, 31.11, and 31.12. Such regulations when applicable shall conform, insofar as practicable and consistent with state law, with those promulgated under the federal law.

Subd. 2. Hearings authorized or required by law shall be conducted by the commissioner or such officer, agent, or employee as the commissioner may designate for the purpose.

Subd. 3. Federal pesticide chemical regulations and amendments thereto in effect on April 1, 1975 adopted under authority of the federal act are the pesticide chemical regulations in this state. Such regulations may be amended by the commissioner proceeding in accordance with the administrative procedure act.

Subd. 4. Federal food additive regulations and amendments thereto in effect on April 1, 1975 adopted under authority of the federal act are the food additive regulations in this state. Such regulations may be amended by the commissioner proceeding in accordance with the administrative procedure act.

Subd. 5. Federal color additive regulations and amendments thereto in effect on April 1, 1975 adopted under authority of the federal act are the color additive regulations in this state. Such regulations may be amended by the commissioner proceeding in accordance with the administrative procedure act.

Subd. 6. Federal special dietary use regulations and amendments thereto in effect on April 1, 1975 adopted under authority of the federal act are the special dietary use regulations in this state. Such regulations may be amended by the commissioner proceeding in accordance with the administrative procedure act.

Subd. 7. Federal regulations and amendments thereto in effect on April 1, 1975 adopted under the fair packaging and labeling act, Title 15, U.S.C. Sections 1451 to 1461, are the regulations in this state. Such regulations may be amended by the commissioner proceeding in accordance with the administrative procedure act; provided that the commissioner shall not adopt amendments to such regulations or adopt other regulations which are contrary to the labeling requirements for the net quantity of contents required pursuant to section 4 of the fair packaging and labeling act and the regulations promulgated thereunder.

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Subd. 8. Applicable federal regulations including recodification contained in Code of Federal Regulations, Title 21, Chapter 1, Parts 0-1299, Food and Drugs, in effect April 1, 1975, and not otherwise adopted herein, also are adopted as food regulations of this state. Such regulations may be amended by the commissioner in accordance with the administrative procedure act.

[1975 c 412 s 14]

31.102 Definitions, standards of identity; temporary permits.

Subdivision 1. Federal definitions and standards of identity, quality and fill of container and amendments thereto, in effect on April 1, 1975 adopted under authority of the federal act, are the definitions and standards of identity, quality and fill of container in this state. Such regulations may be amended by the commissioner proceeding in accordance with the administrative procedure act.

[1975 c 412 s 15]

[For text of subd 2, see M.S.1974]

31.103 Fair packaging and labeling provisions.

Subdivision 1. All labels of consumer commodities shall conform with the requirements for the declaration of net quantity of contents of section 4 of the fair packaging and labeling act (15 U.S.C. 1451 et seq.) and federal regulations in effect on April 1, 1975 promulgated pursuant thereto, except to the extent that the commissioner shall exercise his authority to amend such regulations in accordance with the administrative procedure act. Consumer commodities exempted from the requirements of section 4 of the fair packaging and labeling act shall also be exempt from this subdivision.

[1975 c 412 s 16]

[For text of subds 2 to 4, see M.S.1974]

31.104 Food labeling exemption regulations.

The commissioner shall promulgate regulations exempting from any labeling requirement food which is, in accordance with the practice of the trade, to be processed, labeled or repacked in substantial quantities at establishments other than those where originally processed or packed, on condition that such food is not adulterated or misbranded upon removal from such processing, labeling or repacking establishment.

Federal regulations in effect on April 1, 1975 adopted under authority of the federal act relating to such exemptions are effective in this state unless the commissioner shall exercise his authority to amend such regulations and he also may promulgate amendments to existing regulations concerning exemptions in accordance with the administrative procedure act.

[1975 c 412 s 17]

31.31 Commercial canneries, regulation.

All commercial canneries shall be under the supervision and regulation of the commissioner. For the purpose of sections 31.31 to 31.392, a commercial cannery is defined to mean any place or building where food is received in a raw or partly processed form, except for meats and meat products frozen in retail stores for sale directly to the consumer, for the purpose of canning in hermetically sealed containers and where sterilization by heat is used, or where preservation of vegetable products is accomplished by the use of approved chemical preservatives, sugar, salt or acidity factors introduced as ingredients or additives, or by freezing food for sale as and for food in any other type of vessel, bottle, can, bag, container or other type or form of package, and the products placed on the market for general consumption as human food; but shall not include private homes where farmers or others may pack or preserve vegetables, fruits, fish or other food products for their own use, or a

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food establishment that processes meat or poultry products under supervision of the U.S. department of agriculture. At such times as the commissioner may deem proper, he shall cause all commercial canneries to be inspected, and shall require the correction of all unsanitary conditions or practices found therein, and may search and enter all cupboards, closets, or any other places in such canneries for the purpose of enforcing the provisions of laws, rules and regulations provided therefor.

[1975 c 412 s 18]

31.39 Assessments; inspection services; commercial canneries account.

The commissioner is hereby authorized and directed to collect from each commercial cannery an assessment for inspection and services furnished, and for maintaining a bacteriological laboratory and employing such bacteriologists and trained and qualified sanitarians as he may deem necessary. The assessment to be made on each commercial cannery, for each and every packing season, shall not exceed one-half cent per case on all foods packed, canned, or preserved therein, nor shall the assessment in any one calendar year to any one cannery exceed \$2,500, and the minimum assessment to any cannery in any one calendar year shall be \$100; provided, that the amount of the annual license fee collected under section 28A.08 shall be used to reduce the annual assessment for that year. The commissioner shall provide appropriate deductions from assessments for the net weight of meat, chicken, or turkey ingredients which have been inspected and passed for wholesomeness by the United States department of agriculture. The commissioner may, when he deems it advisable, graduate and reduce the assessment to such sum as is required to furnish the inspection and laboratory services rendered. The assessment made and the license fees, penalties, and other sums so collected shall be deposited in the state treasury, as other departmental receipts are deposited, but shall constitute a separate account to be known as the commercial canneries inspection account, which is hereby created, and together with moneys now remaining in said account, set aside, and appropriated as a revolving fund, to meet the expense of special inspection, laboratory and other services rendered, as provided in sections 31.31 to 31.392. The amount of such assessment shall be due and payable on or before December 31, of each year, and if not paid on or before February 15 following, shall bear interest after that date at the rate of seven percent per annum, and a penalty of ten percent on the amount of the assessment shall also be added and collected.

[1975 c 412 s 19]

31.60 Meat industry division.

[For text of subd 1, see M.S.1974]

Subd. 2. Meat industry; advisory board. Except to the extent that the following functions are under the jurisdiction of the division of poultry industries or the Minnesota poultry improvement board, there is created a Minnesota meat improvement board for the purpose of advising the commissioner of agriculture and the director of the meat industry division in the development of the meat industry of the state. The board consists of not more than ten members appointed by the commissioner of agriculture. The board shall include, but not be limited to, one representative from each of the following: (1) Retail meat dealers, (2) frozen food processing plants licensed by this state, (3) slaughter houses licensed by this state, (4) wholesale sausage manufacturers licensed by this state, (5) federally inspected meat packers, (6) livestock producers, (7) consumers, (8) public health officials, and (9) veterinarians. The board shall expire and the terms, compensation and removal of members shall be as provided in section 15.059.

Subd. 3. Meetings of the advisory board; commissioner's duties. The commissioner or his duly appointed representative shall call the first meeting of the advisory board. At this first meeting the board shall elect from their members a chair-

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man, vice chairman, and secretary who shall each serve for one year and until their successors are elected and qualified. The advisory board shall meet at the call of the chairman. The commissioner or his duly appointed representative shall attend meetings called by the chairman. A meeting may be called upon written request of a majority of all of the members of the board, to be held at a time convenient to both the board and the commissioner. The commissioner or his duly appointed representative shall attend meetings called by written request of the members. The commissioner shall make available to the board such information as it may request regarding the policies and programs of the department.

[1975 c 315 s 5,6]

31.633 Meat substitutes; indication on menu; penalties.

Subdivision 1. Any restaurant, eating place or other establishment serving meat in any form to the public, which meat has any filler or meat substitute added to it or incorporated in it, shall clearly and prominently indicate on its menu or bill of fare the meat entrees that contain filler or meat substitutes.

Subd. 2. Any person who violates the provisions of subdivision 1 is guilty of a misdemeanor.

[1975 c 133 s 1]

CHAPTER 32. DAIRY PRODUCTS

Sec.
32.075 Term of license; transferability; fees and penalties.

Sec.
32.394 Grade A pasteurized milk.
32.59 Nonresident manufacturer license.

32.075 Term of license; transferability; fees and penalties.

Every license issued by the commissioner shall be for a period ending on the thirty-first day of December next following, and shall not be transferable. The fee for each such initial license shall be \$15 and each renewal thereof shall be \$6 and shall be paid to the commissioner before any license or renewal thereof is issued. If a license renewal is not applied for on or before January 1 of each year, a penalty of 25 percent of the license fee shall be imposed. A person who does not renew his license within one year following its December 31 expiration date, except those persons who do not renew such license while engaged in active military service, shall be required to prove his competency and qualification pursuant to section 32.073, before a license is issued. The commissioner may require any other person who renews his license to prove his competency and qualification in the same manner. All license fees and penalties received by the commissioner shall be paid into the state treasury.

[1975 c 412 s 20]

32.394 Grade A pasteurized milk.

[For text of subs 1 to 7, see M.S.1974]

Subd. 8. Any processor of milk, milk products or goat milk who wishes to acquaint himself and his producers with Grade A requirements may make a request to the commissioner for exploratory inspections and meetings for this purpose. Upon receipt of such request, the commissioner at his convenience shall cause such exploratory inspections to be made and such meetings to be held as are necessary to acquaint said processor and producers with such requirements. If, after such exploratory inspections are made and such meetings are held and when in his opinion his field service has brought his producers into compliance with said requirements, said processor wishes to avail himself of further inspection service, he shall so apply on a form furnished by the