

CHAPTER 24

CHEMICAL COMPOUNDS

24.001 Definition.
ENFORCEMENT OF CHAPTER
24.002 Enforcement.
LINSEED OIL, PAINT,
WOOD ALCOHOL
24.12 Linseed oil.
24.131 Citation, Minnesota paint and
varnish law.
24.135 Definitions.
24.141 Illegal acts; labeling requirements.

24.145 Inspection; tests.
24.151 Stop-sale order.
24.155 Seizures.
24.161 Commissioner's duties; rules.
24.165 Constitutionality; severability.
24.171 Exceptions to paint law.
24.175 Penalties.
24.18 Labeling of wood alcohol.
24.181 Penalty.

24.001 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.

History: 1961 c 113 s 1; 1961 c 128 s 8

ENFORCEMENT OF CHAPTER**24.002 ENFORCEMENT.**

The commissioner is charged with the proper enforcement of all the provisions of this chapter.

History: (3894, 3905, 3906-5, 3942) 1907 c 421 s 5; 1909 c 62 s 6; 1915 c 335 s 5; 1925 c 187 s 5

24.01 [Repealed, Ex1961 c 58 s 12]

24.02 Subdivision 1. [Obsolete]

- Subd. 2. [Repealed, Ex1961 c 58 s 12]
- Subd. 3. [Repealed, Ex1961 c 58 s 12]
- Subd. 4. [Renumbered 31.401]
- Subd. 5. [Repealed, 1961 c 231 s 11]
- Subd. 6. [Renumbered 24.069 subdivision 2]
- Subd. 7. [Renumbered 24.069 subdivision 3]
- Subd. 8. [Renumbered 24.069 subdivision 4]
- Subd. 9. [Renumbered 24.069 subdivision 5]
- Subd. 10. [Renumbered 24.069 subdivision 6]
- Subd. 11. [Renumbered 24.069 subdivision 7]
- Subd. 12. [Renumbered 24.069 subdivision 8]
- Subd. 13. [Renumbered 24.069 subdivision 9]
- Subd. 14. [Renumbered 24.069 subdivision 10]
- Subd. 15. [Renumbered 24.069 subdivision 11]
- Subd. 16. [Renumbered 24.069 subdivision 12]
- Subd. 17. [Renumbered 24.069 subdivision 13]

24.03 [Repealed, Ex1961 c 58 s 12]

24.04 [Repealed, Ex1961 c 58 s 12]

24.05 [Repealed, Ex1961 c 58 s 12]

24.06 [Repealed, Ex1961 c 58 s 12]

- 24.069 [Repealed, 1976 c 53 s 29]
- 24.07 [Repealed, 1945 c 427 s 11]
- 24.071 [Repealed, 1976 c 53 s 29]
- 24.072 [Repealed, 1976 c 53 s 29]
- 24.0721 [Repealed, 1976 c 53 s 29]
- 24.073 [Repealed, 1976 c 53 s 29]
- 24.074 [Repealed, 1976 c 53 s 29]
- 24.075 [Repealed, 1976 c 53 s 29]
- 24.076 [Repealed, 1976 c 53 s 29]
- 24.077 [Repealed, 1976 c 53 s 29]
- 24.08 [Repealed, 1945 c 427 s 11]
- 24.09 [Repealed, 1945 c 427 s 11]
- 24.10 [Repealed, 1945 c 427 s 11]
- 24.11 [Repealed, 1945 c 427 s 11]

LINSEED OIL, PAINT, WOOD ALCOHOL

24.12 LINSEED OIL.

Subdivision 1. **Definitions.** Pure linseed oil shall be defined as the oil obtained wholly from the seeds of the flax plant and containing no added ingredient. Boiled linseed oil shall be defined as pure linseed oil with so-called dryers added thereto, to an amount not exceeding three per cent of the total product. Pure linseed oil, as distinguished from boiled linseed oil, shall be known as raw linseed oil. Linseed replacement oil shall be defined as oil complying with the specifications for linseed replacement oil as provided by specifications of the United States dated May 1, 1943, approved for use of all departments and establishments of the federal government, and as the same may be written from time to time hereafter. If designed or offered for sale or use as either pure linseed oil, boiled linseed oil or linseed replacement oil, or as a substitute for any of them, or in imitation or any of them, any substance or preparation which is not included in the respective definitions thereof shall be deemed adulterated, and the manufacture thereof for sale within the state or the sale thereof within the state is prohibited. No person shall sell pure linseed oil, boiled linseed oil or linseed replacement oil unless each receptacle in which the same is kept for sale or sold shall have distinctly, legibly and durably painted, stamped, stenciled, or labeled thereon the true name of such oil, setting forth, in bold-faced capital letters not smaller than one inch in length, whether it be pure linseed oil, boiled linseed oil, or linseed replacement oil; and there shall also appear upon the receptacle the name and address of the manufacturer of the oil.

Subd. 2. **Limitation on sale of replacement oil.** No person shall sell in this state after October 1, 1947, linseed replacement oil as defined in this section.

History: (3936) *RL s 1772; 1947 c 102 s 1,2; 1961 c 146 s 15*

- 24.13 [Repealed, 1961 c 231 s 11]

24.131 CITATION, MINNESOTA PAINT AND VARNISH LAW.

Sections 24.131 to 24.175 may be cited as the Minnesota paint and varnish law.

History: 1961 c 231 s 1

24.135 DEFINITIONS.

Subdivision 1. As used in sections 24.131 to 24.175, the terms defined in this section have the meanings given them.

Subd. 2. "Paint" means any mixture of a pigment and some suitable liquid which will form a solid, adherent, protective or decorative covering when spread upon a sur-

face. It includes liquid, semipaste and solid substances or any mixture of such substances. The term "paint" includes enamels, lacquers, water paints and any substitute for these products but does not include artist's colors, waxes, wood fillers, polishes, stains, plaster, stucco and waterproofing compounds.

Subd. 3. "Varnish" means any liquid or semiliquid substance or mixture of substances, or any liquid or semiliquid solution or suspension of substances intended for use as a protective or decorative or impregnating coating when spread upon a surface. The term "varnish" does not include artist's varnishes, waxes, polishes, and stains.

Subd. 4. "Solvent" means any volatile liquid or mixture of volatile liquids, including but not limited to turpentine, intended for use in, or with, any paint or varnish.

Subd. 5. "Paint oil" means any oil, or mixture of oils and other liquids used or intended for use in paint.

Subd. 6. "Person" means any individual, firm, corporation, partnership, association, trust, joint stock company or unincorporated organization.

Subd. 7. "Commissioner" means the commissioner of the department of agriculture of the state of Minnesota.

Subd. 8. "Label" means the written, printed or graphic matter on the immediate container of the article or on the article itself and also on the outside container or wrapper, if any there be, of the individual consumer package of such article.

Subd. 9. "Labeling" means all labels and other written, printed or graphic matter, (1) upon any article or any of its containers or wrappers, (2) accompanying such article, or (3) to which reference is made on the label or literature accompanying such article.

Subd. 10. "Adulterated" means any paint, varnish, paint oil or solvent if its strength or purity falls below the professed standards of composition under which it is sold, if any substance has been substituted wholly or in part for the article, or if any valuable constituent of the article has been wholly or in part abstracted.

Subd. 11. "Misbranded" means any paint, varnish, paint oil or solvent if: (1) its labeling bears any statement, design, or graphic representation relative to the article or its ingredients, which is false or misleading in any particular; or (2) if the label accompanying the article does not contain adequate instructions for use; or (3) if it be an imitation or offered for sale under the name of another article; or (4) if its label fails to bear the ingredient statement plainly and correctly. "Misbranded" also means any paint, varnish, paint oil or solvent if the label does not specify the general purpose for which the product is intended.

Subd. 12. "Ingredient statement" means a statement of the chemical name and percentage by weight of each ingredient.

Subd. 13. "Professed standards" means the strength, purity, or representation of composition under which the product is sold.

History: 1961 c 113 s 1; 1961 c 231 s 2

24.14 [Repealed, 1961 c 231 s 11]

24.141 ILLEGAL ACTS; LABELING REQUIREMENTS.

It is unlawful for any person to sell, offer or expose for sale or to possess with intent to sell within this state any paint, varnish, paint oil or solvent, of whatever nature, that is adulterated, misbranded, insufficiently or improperly labeled within the meaning of sections 24.135 to 24.175 or the rules adopted by the commissioner. The label shall contain the following information: (1) the name, brand or trademark of the product; (2) the name and address of the manufacturer, distributor, or the person for whom the product was manufactured; (3) the net weight or measure, as the case may be, which is contained in the package; (4) a complete ingredient statement. Whenever it is not possible or practical to use the chemical name, the commissioner may approve the use of other names or terms in the ingredient statement. Tinting colors not exceeding five percent by weight need not be declared on the label.

History: 1961 c 231 s 3; 1985 c 248 s 70; 1986 c 444

24.145 INSPECTION; TESTS.

For obtaining information regarding the suspected violations of law, the commissioner and the commissioner's assistants, appointees, agents and employees shall have access to all places where any paint, varnish, paint oil, solvent, or other article is manufactured, sold or stored for sale, the manufacture, sale or transportation of which is restricted, regulated or prohibited by sections 24.135 to 24.175 or by any law of this state. They may inspect any package, receptacle or container found therein apparently containing any paint, varnish, paint oil, solvent, or ingredients thereof, or any other article, the manufacture, sale or transportation of which is restricted, regulated or forbidden by sections 24.135 to 24.175 or by any law of this state and may take samples therefrom for analysis. Any person obstructing such entry or inspection or who fails upon request to furnish information requested by the commissioner, is guilty of a misdemeanor.

History: 1961 c 231 s 4; 1986 c 444

24.15 [Repealed, 1961 c 231 s 11]

24.151 STOP-SALE ORDER.

The commissioner shall issue and enforce a written or printed "stop-sale use or removal" order to the owner or custodian of any lot of paint, varnish, paint oil or solvent when the commissioner finds that the product is being offered or exposed for sale in violation of any of the provisions of sections 24.135 to 24.175, and the commissioner's order shall direct that the product shall be held at a designated place until the provisions of sections 24.135 to 24.175 have been complied with and the product is released in writing by the commissioner. However, the owner or custodian of such paint, varnish, paint oil or solvent has the right to appeal from such order to a court of competent jurisdiction in the county or city where the product is found, praying for a judgment as to the justification of the order, and for the discharge of the product from the order prohibiting the sale in accordance with the findings of the court. The provisions of this section shall not be construed as limiting the right of the enforcement officer to proceed as authorized by other provisions of sections 24.135 to 24.175. The commissioner shall release the paint, varnish, paint oil or solvent held under any stop-sale use or removal order when the requirements of sections 24.135 to 24.175 have been complied with and upon payment of all reasonable costs and expenses incurred in connection with such order. When the commissioner issues and enforces a "stop-sale, use or removal" order against any paint, varnish, paint oil or solvent declared in violation of sections 24.135 to 24.175, in possession of any dealer or distributor, such dealer or distributor may return to the person from whom such paint, varnish, paint oil or solvent was purchased all unbroken retail containers affected by such order and such person shall reimburse the dealer or distributor for the full purchase price, including all delivery costs.

History: 1961 c 231 s 5; 1986 c 444

24.155 SEIZURES.

Any lot of paint, varnish, paint oil or solvent found not to be in compliance with the provisions of sections 24.135 to 24.175 shall be subject to seizure on complaint of the commissioner to a court of competent jurisdiction in the area in which said paint, varnish, paint oil or solvent is located. In the event the court finds that the paint, varnish, paint oil or solvent is in violation of the provisions of sections 24.135 to 24.175 and orders the condemnation of the product, it shall be disposed of in any manner consistent with the quality of the paint, varnish, paint oil or solvent and the laws of the state. In no instance shall the disposition of paint, varnish, paint oil or solvent be ordered by the court without first giving the claimant an opportunity to apply to the court for the release of the product or for permission to process or relabel the product to bring it into compliance with sections 24.135 to 24.175.

History: 1961 c 231 s 6

24.16 [Repealed, 1961 c 231 s 11]

24.161 COMMISSIONER'S DUTIES; RULES.

The commissioner shall enforce all of the provisions of sections 24.135 to 24.175, and may prescribe such rules relating to the sale and distribution of paint, varnish, paint oil or solvent as the commissioner may find necessary and proper to best carry out the purpose of sections 24.135 to 24.175. Such rules shall be promulgated in the manner provided by law.

History: 1961 c 231 s 7; 1985 c 248 s 70; 1986 c 444

24.165 CONSTITUTIONALITY; SEVERABILITY.

If any section, subdivision, clause or phrase of sections 24.135 to 24.175 is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of sections 24.135 to 24.175. The legislature hereby declares that it would have passed sections 24.135 to 24.175 and each section, subdivision, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subdivisions, sentences, clauses or phrases be declared unconstitutional.

History: 1961 c 231 s 8

24.17 [Repealed, 1961 c 231 s 11]

24.171 EXCEPTIONS TO PAINT LAW.

The provisions of sections 24.135 to 24.175, except section 24.145 shall not apply to (1) paints, varnish, paint oil or solvent, in transit through the state or in storage within the state intended for and sold outside the state; (2) paints, varnish, paint oil or solvent, in transit or in storage intended for and actually used for manufacturing, processing, mixing or repacking; (3) paint, varnish, paint oil or solvent not packaged for resale and not sold, offered or exposed for sale to the general public, but sold through agreement to any manufacturer, industrial plant, painting or building contractor, or agents of the federal government, state of Minnesota or subdivisions thereof or public service corporation for direct use by such purchaser. However, evidence concerning such sale shall be furnished the commissioner upon request.

History: 1961 c 231 s 9

24.175 PENALTIES.

Any person convicted of violating any of the provisions of sections 24.135 to 24.175 or any rules made thereunder is guilty of a misdemeanor.

History: 1961 c 231 s 10; 1985 c 248 s 70

24.18 LABELING OF WOOD ALCOHOL.

No person, directly or through a servant or agent, or as the servant or agent of another, shall sell, exchange, deliver, or have in custody or possess, with intent to sell, exchange, or deliver, or expose or offer for sale, exchange or delivery, any wood alcohol, or substance commonly known as wood alcohol, unless each package, bottle, cask, can, or receptacle containing the wood alcohol shall be plainly marked, stamped, branded, or labeled on the outside and face of each package, bottle, cask, can, or receptacle of the capacity of less than one gallon, in legible type not smaller than large primer, and on the outside and face of each package, bottle, cask, can, or receptacle of the capacity of one gallon or more, in legible letters of not less than one inch in length, the letters and words "wood naphtha," "poison."

History: (3944) 1905 c 35 s 1; 1986 c 444

24.181 PENALTY.

Any person violating any of the provisions of section 24.18 shall be guilty of a mis-

demeanor and punished by a fine of not less than \$50 and not more than \$100 for each and every offense or by imprisonment in the county jail for not less than 30 nor more than 90 days.

History: (3945) 1905 c 35 s 2

- 24.19** [Renumbered 31.402]
- 24.20** [Renumbered 31.403]
- 24.21** [Renumbered 31.404]
- 24.22** [Renumbered 24.002]
- 24.23** Subdivision 1. [Repealed, Ex1961 c 58 s 12]
 - Subd. 2. [Renumbered 24.181]
 - Subd. 3. [Renumbered 31.405]
- 24.24** [Repealed, 1983 c 293 s 115]
- 24.25** [Repealed, 1983 c 293 s 115]
- 24.26** [Repealed, 1983 c 293 s 115]
- 24.27** [Repealed, 1983 c 293 s 115]
- 24.28** [Repealed, 1983 c 293 s 115]
- 24.29** [Repealed, 1983 c 293 s 115]
- 24.30** [Repealed, 1983 c 293 s 115]
- 24.31** [Repealed, 1983 c 293 s 115]
- 24.32** [Repealed, 1993 c 367 s 41]
- 24.33** [Repealed, 1993 c 367 s 41]
- 24.34** [Repealed, 1993 c 367 s 41]
- 24.35** [Repealed, 1993 c 367 s 41]
- 24.36** [Repealed, 1993 c 367 s 41]
- 24.37** [Repealed, 1993 c 367 s 41]
- 24.38** [Repealed, 1993 c 367 s 41]
- 24.39** [Repealed, 1993 c 367 s 41]
- 24.40** [Repealed, 1993 c 367 s 41]
- 24.41** [Repealed, 1993 c 367 s 41]
- 24.42** [Repealed, 1993 c 367 s 41]