

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Minnesota Statutes 1961, Section 32.104, is amended to read:

**32.104 Dairy plants; state licensing; local inspection.** The governing authority of any municipal corporation may, by ordinance, provide for the inspection of milk, cream, butter, or other dairy products sold within its limits, and of dairy plants, dairy farms and dairy herds kept for the production of such milk, cream, butter, or other dairy products and may prescribe the terms upon which such sales may be made and fix penalties for violation thereof, but no such ordinance shall conflict with any law of this state, or with any regulation of the commissioner for the inspection of dairy herds or dairy plants or dairy farms or impose any additional requirement for the sale of milk, cream, butter or other dairy products processed outside the corporate limits of the municipality than is imposed by law or by the regulations of the commissioner, or require a duplication of inspection of dairy plants, dairy farms, or dairy herds producing milk, cream, butter or other dairy products sold within its corporate limits, or otherwise interfere with any power or duty of the commissioner or his official subordinates, except a municipal ordinance may fix higher standards on bacterial, chemical, butter fat or physical tests than the minimums fixed by law for milk and milk products sold within the municipality. *When a dairy plant is licensed by the commissioner of agriculture, the plant is exempt from the licensing requirements of any subdivision of state government except for licensing requirements which the city, village, or borough in which the plant is located may impose.*

Approved March 23, 1965.

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#### CHAPTER 119—S. F. No. 518

*An act relating to frozen foods; amending Minnesota Statutes 1961, Sections 32.55, Subdivisions 2, 4, 5, and 12; 32.56; 32.62, Subdivision 1; repealing Minnesota Statutes 1961, Section 32.55, Subdivisions 6, 7, 8, 9, 10, and 11.*

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Minnesota Statutes 1961, Section 32.55, Subdivision 2, is amended to read:

Subd. 2. **Frozen food.** "Frozen foods" means ice cream,

**Changes or additions indicated by italics, deletions by ~~strikeout~~.**

frozen ~~eustards~~ *custard*, *french ice cream*, *french custard ice cream*, ice milk, ~~milk sherbet~~, *fruit ice* or *ice sherbet* ~~fruit sherbets~~, *water ices*, or frozen malted milk, *frozen milk shakes*, or *frozen malts*, but shall not include frozen vegetables, fruits, meats, poultry, or bakery products.

Sec. 2. Minnesota Statutes 1961, Section 32.55, Subdivision 4, is amended to read:

Subd. 4. **Mix, ice-cream mix.** "Mix" means the unfrozen combination of all ingredients of a frozen food with or without fruit, fruit juices, candy, nut meats, flavoring, or coloring. "Ice-cream mix" means the mix from which ice-cream is frozen, made from a combination of milk products and one or more of the following ingredients: ~~eggs; sugar; dextrose; corn syrup in liquid or dry form; and honey; with or without flavoring and coloring; and with or without edible gelatin or vegetable stabilizer and such other ingredients in such quantities as are consistent with such ingredients and quantities in definitions and standards established by the commissioner.~~ *Ice-cream mix contains not more than one half of one percent by weight of edible gelatin or vegetable stabilizer; not less than 10 percent by weight of milk fat; and not less than 20 percent by weight of total milk solids.* Ice-cream mix in concentrated or condensed form shall contain such relative amounts of ingredients that, when diluted according to directions, it shall comply with the ~~above~~ definition of ice-cream mix.

Sec. 3. Minnesota Statutes 1961, Section 32.55, Subdivision 5, is amended to read:

Subd. 5. **Mix base; ice-cream mix base.** "Mix base" means mix powder or dry base and is the product resulting from the removal of water from mix and contains not more than five percent of moisture.

"Ice-cream mix base" means ice-cream powder or dry ice-cream mix and is the product resulting from the removal of water from ice-cream mix and contains; ~~all tolerances allowed for; not less than 26.5 percent milk fat and not less than 68.5 percent of nonfat solids; and not more than five percent of moisture.~~

Sec. 4. Minnesota Statutes 1961, Section 32.56, is amended to read:

**32.56 Manufacturers of frozen foods to obtain license.** No person shall manufacture frozen foods, *mix*, ice-cream mix, *mix base*, or ice-cream mix base for resale, without first having obtained a license therefor from the department of agriculture, which is

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charged with the duty and power of administering and enforcing the provisions of sections 32.56 to 32.64. *The commissioner shall establish standards in the manner provided in Minnesota Statutes, Section 31.10, and acts amendatory thereof, for frozen foods for which no Minnesota standards exist. In the exercise of the authority to establish standards for frozen foods, the commissioner shall adopt definitions and standards of identity established pursuant to the Federal Food, Drug and Cosmetic Act insofar as said definitions and standards do not conflict with law.* Nothing in sections 32.56 to 32.64 shall apply to educational institutions or to charitable, fraternal or religious organizations not regularly engaged in the manufacture of frozen foods, *mix, ice-cream mix, mix base, or ice-cream mix base* or to private homes manufacturing for their own use.

Sec. 5. Minnesota Statutes 1961, Section 32.62, Subdivision 1, is amended to read:

**32.62 Containers, labels.** Subdivision 1. **Contents of labels.** All cans or containers used in the sale or distribution of *mix, ice-cream mix, mix base, or ice-cream mix base* shall bear a label attached to the same giving the following information:

- (1) Name of product;
- (2) Percentage of milk fat contained in product;
- (3) Percentage of total solids in products;
- (4) Statement of net contents; and
- (5) Name and address of manufacturer or distributor.

Every package of frozen foods packed by the manufacturer shall bear a label. The label shall give the name of the product, the name and address of the manufacturer or distributor, ~~and~~ a statement of the net contents, *and such other information as the commissioner may require pursuant to Minnesota Statutes, Section 31.12, and acts amendatory thereof. When the name and address of the distributor is given on the label of mix, ice-cream mix, mix base, ice-cream mix base or frozen foods, the name and address of the manufacturer also shall be given or in lieu of the name and address of the manufacturer an identification number or code assigned by the commissioner of agriculture may be used to represent such manufacturer.*

Sec. 6. Minnesota Statutes 1961, Section 32.55, Subdivision 12, is amended to read:

Subd. 12. **Imitation ice-cream.** "Imitation ice-cream" means any frozen substance, mixture or compound, regardless of the

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name under which it is represented, which is made in imitation or semblance of ice-cream, or is prepared or frozen as ice-cream is customarily prepared or frozen and which is not ice-cream, frozen custard, *french ice-cream, french custard ice-cream*, ice milk, ~~milk~~ fruit sherbet, ~~fruit ice or ice sherbet, or water ices~~, frozen malted milk, *frozen milk shake, or frozen malt* as defined in this section.

Sec. 7. *Minnesota Statutes 1961, Section 32.55, Subdivisions 6, 7, 8, 9, 10, and 11 are repealed.*

Sec. 8. *This act takes effect on July 1, 1965.*

Approved March 23, 1965.

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#### CHAPTER 120—S. F. No. 552

*An act relating to regulation by the railroad and warehouse commission of motor vehicle transportation for hire; amending Minnesota Statutes 1961, Section 221.031, Subdivision 1.*

Be it enacted by the Legislature of the State of Minnesota:

Section 1. *Minnesota Statutes 1961, Section 221.031, Subdivision 1, is amended to read:*

**221.031 Motor carriers; annual report.** Subdivision 1. The commission shall prescribe rules and regulations for operation of all motor carriers, including their facilities, accounts, service, safety of operations and equipment, maximum hours of service of drivers, installation of safety devices and proper automatic speed regulators if, in the opinion of the commission, there is a necessity therefor. It may require the construction and maintenance or furnishing of suitable and proper freight terminals, passenger depots, waiting rooms and accommodations or shelters in any village or city in this state or at any point on the highway traversed which the commission may deem just and proper for the protection of passengers or property. It shall require the filing of annual and other reports including annual accounts of motor carriers, schedules of rates and charges or other data by such motor carriers, regulate such motor carriers in all matters affecting the relationship between them and the traveling and shipping public and prescribe such other rules and regulations as may be necessary to carry out the provisions of this chapter: ; *provided, however, that any motor carrier having gross revenues from all for-hire transportation in any calendar year of less than \$15,000 may, at the discretion of the commission, be exempted*

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