

a different time or condition is expressly stated and unless otherwise specified the location of lamps and devices shall refer to the centers of such lamps or devices.

Sec. 2. **Effective date.** *This act is effective 30 days after final enactment.*

Approved April 21, 1967.

CHAPTER 219—H. F. No. 687

An act relating to dairy products; amending certain laws regarding grade A and other than grade A milk, milk products, and goat milk; amending Minnesota Statutes 1965, Sections 32.01, Subdivision 6; 32.21; 32.391, Subdivisions 1, 2 and 3; 32.392; 32.394, Subdivisions 1, 2, 4, 8 and 9; and 32.397.

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

Section 1. Minnesota Statutes 1965, Section 32.01, Subdivision 6, is amended to read:

Subd. 6. **Dairy products; milk and milk products; dairy plant.** "Dairy plant" means any place where a dairy product is manufactured, processed, or handled and includes milk-receiving stations, creameries, cheese factories, condenseries, milk plants, *transfer stations* and other establishments, as those terms are used in chapters 17, 27, 31, 32, and 33; but does not include a dairy farm or an establishment where no dairy products are processed, but dairy products are sold at *wholesale or retail only*.

Sec. 2. Minnesota Statutes 1965, Section 32.21, is amended to read:

32.21 **Purchase or sale of unwholesome or adulterated milk or cream prohibited.** No person shall sell or knowingly buy unwholesome or adulterated milk or cream. Milk or cream that has not been well cooled and aerated, or to which a preservative has been added; milk drawn from cows kept in crowded conditions or in places not well ventilated or lighted, or which from any cause are filthy or insanitary, or from unclean or diseased cows, or those fed with garbage or any filthy, decayed, putrid, or unwholesome animal or vegetable substance; milk drawn from cows within 15 days before, or five days after calving; and milk or cream which has been kept in any place where bad air exists, and cream taken from unwholesome

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or adulterated milk, shall be deemed unwholesome and adulterated within the meaning of sections 32.21 and 32.22. Except where otherwise provided by law, milk from which any normal ingredient has been abstracted, or milk containing any substance not a normal constituent thereof, or containing less than three and one-fourth percent of butterfat, and cream in which there is less than 20 18 percent of butterfat, or which contains any foreign thickening or coloring substance, or any abnormal ingredient whatsoever, shall be deemed adulterated; nor shall any article of food be manufactured from unwholesome or adulterated milk or cream except as provided in section 32.22.

Sec. 3. Minnesota Statutes 1965, Section 32.391, Subdivision 1, is amended to read:

32.391 Definitions; pasteurization; cooling after pasteurization. Subdivision 1. **Milk; fluid milk products; goat milk.** Milk is defined as the whole, fresh, clean lacteal secretion, *practically free from colostrum*, obtained by the complete milking of one or more healthy cows, ~~excluding that obtained within 15 days before and five days after calving, or such longer period as may be necessary to render the milk practically colostrum free, and which.~~ *When prepared for market in fluid form, milk shall contain not less than 8.25 percent milk solids-not-fat and not less than 3.25 percent of milk fat.* The name "milk" ~~unqualifiedly, unqualified,~~ means cow's milk.

Fluid milk products shall be taken to mean and include cream, sour cream, half and half, reconstituted half and half, concentrated milk, concentrated milk products, skim milk, nonfat milk, chocolate flavored milk, chocolate flavored drink, chocolate flavored reconstituted milk, chocolate flavored reconstituted drink, buttermilk, cultured buttermilk, cultured milk, vitamin D milk, reconstituted or recombined milk, reconstituted cream, reconstituted skim milk, homogenized milk, and any other fluid milk product made by the addition of any substance to milk or to any of the above enumerated fluid milk products, when the same is declared to be a fluid milk product by rule or regulation promulgated by the commissioner.

Goat milk is a whole, fresh, clean lacteal secretion free from colostrum, obtained by the complete milking of one or more healthy goats.

Sec. 4. Minnesota Statutes 1965, Section 32.391, Subdivision 2, is amended to read:

Subd. 2. **Pasteurization.** The terms "pasteurization," "pasteurized," and similar terms shall be taken to refer (a) to the

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process of heating every particle of milk, fluid milk products, or goat milk, in properly operated equipment approved by the commissioner, to a temperature of at least 143 degrees Fahrenheit and holding such temperature for at least 30 minutes, or (b) to the process of heating every particle of milk, fluid milk products, or goat milk, in properly operated equipment approved by the commissioner, to a temperature of at least 161 degrees Fahrenheit and holding such temperature for at least 15 seconds, or (c) *to the process of heating every particle of milk, fluid milk products, or goat milk, in properly operated equipment approved by the commissioner, to such temperatures and holding for such times as the commissioner may prescribe by regulation adopted in accordance with law containing standards more stringent than those imposed by this subdivision.* Nothing contained in this definition shall be construed as excluding any other process which has been demonstrated to be equally efficient and is approved by the commissioner.

Sec. 5. Minnesota Statutes 1965, Section 32.391, Subdivision 3, is amended to read:

Subd. 3. Cooling after pasteurization. Immediately following pasteurization, all milk, fluid milk products and goat milk shall be cooled, in properly operated equipment approved by the commissioner, to a temperature of 50 degrees Fahrenheit or lower, and maintained at 50 degrees Fahrenheit or lower until delivered; provided, however, that if the milk, fluid milk products, or goat milk is to be cultured immediately after pasteurization, then such cooling may be delayed until after the culturing process is completed; *provided further that the commissioner may prescribe by regulation adopted in accordance with law standards more stringent than those imposed by this subdivision.*

Sec. 6. Minnesota Statutes 1965, Section 32.392, is amended to read:

32.392 Approval of dairy plants. No person shall operate a dairy plant or other establishment ~~in which dairy products, or goat milk are manufactured, processed, or handled~~ in this state unless the ~~establishment, dairy plant, and the equipment, water supply and plumbing system connected therewith~~ shall have been first approved by the commissioner and a permit issued to operate the same; ~~except that these provisions shall not apply to producer dairy farms nor to establishments where no dairy products are processed, but dairy products are sold at retail only.~~ At the time of filing the application for a permit, the applicant shall submit to the commissioner duplicate floor plans of such plant ~~or establishment~~ which shall show the placement of equipment, the source of water supply and method of dis-

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tribution, and the location of the plumbing system, including the disposal of wastes. All new construction or alteration of any existing ~~dairy plants or establishment~~ shall be made only with the approval of the commissioner and duplicate plans for such construction or alteration shall be submitted to him for approval. Any permit may be revoked by the commissioner for due cause after the holder of the permit has been given the opportunity for a hearing, in which case the holder of the permit shall be notified in writing, at least seven days prior to the date of such hearing, of the time and place of such hearing.

Sec. 7. Minnesota Statutes 1965, Section 32.394, Subdivision 1, is amended to read:

32.394 Grade A pasteurized milk. Subdivision 1. Grade A pasteurized milk, fluid milk products and goat milk are Grade A raw milk, fluid milk products and goat milk for pasteurization which have been pasteurized, cooled and prepared for distribution in a *dairy plant* approved by the commissioner, the bacterial count of which at no time after pasteurization and until delivery exceeds 30,000 bacteria per milliliter, standard plate count, as determined by averaging the logarithms of the results of the last four consecutive tests of samples taken on separate days, except that such average may be over 30,000 bacteria per milliliter if the last individual result is 30,000 bacteria per milliliter or lower, and not more than one of the last four coliform counts of which shall exceed 10 per milliliter unless the last individual result is 10 per milliliter or lower; provided, that the standard plate count standard shall be omitted in the case of sour cream, cultured buttermilk, other cultured fluid milk products and cultured goat milk; *provided further that the commissioner may prescribe standards, rules, and regulations adopted in accordance with law more stringent than those imposed by this subdivision.*

Sec. 8. Minnesota Statutes 1965, Section 32.394, Subdivision 2, is amended to read:

Subd. 2. Grade A raw milk or goat milk for pasteurization purposes is raw milk or goat milk which complies with all the requirements for its production, the bacterial count of which does not exceed 200,000 bacteria per milliliter, standard plate count or direct microscopic clump count, as determined by averaging the logarithms of the results of the last four consecutive tests of samples taken on separate days, except that such average may be over 200,000 bacteria per milliliter if the last individual result is 200,000 bacteria per milliliter or lower; *provided that the commissioner may*

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prescribe standards, rules, and regulations adopted in accordance with law more stringent than those imposed by this subdivision.

Sec. 9. Minnesota Statutes 1965, Section 32.394, Subdivision 4, is amended to read:

Subd. 4. The commissioner shall by regulation promulgate *identity*, production and processing standards for ~~Grade A pasteurized milk, fluid milk products and goat milk; Grade A raw milk for pasteurization and Grade A raw goat milk for pasteurization which are intended to bear the Grade A label.~~

In the exercise of the authority to establish requirements for Grade A milk, milk products and goat milk, the commissioner may adopt definitions, standards of identity, and requirements for production and processing recommended by the United States public health service, in a manner provided for and not in conflict with law.

Sec. 10. Minnesota Statutes 1965, Section 32.394, Subdivision 8, is amended to read:

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 commissioner stating the number of farms to be inspected. Such applications shall be accompanied by a fee payable to the state treasurer in an amount of not less than \$50 and not more than \$300, which fee is to be charged for preliminary inspection prior to continuous inspection and assessments over \$50 are to be determined by charging \$1 for each farm over 50 but shall not exceed \$300 if more than 300 farms are inspected; provided that if the plant and farms are accepted for continuous inspection, this charge shall be made only once. If the preliminary inspection discloses that the processor is eligible for use of the Grade A label on his products and before he so labels said products he shall apply for continuous inspection on a form furnished by the commissioner and shall hold a Grade A permit. Such application shall be accompanied by a fee of not less than \$100 nor more than ~~\$200~~ \$300 per plant and of not less than \$15 nor more than \$30 per farm, said fee to be

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paid annually by the processor. The commissioner as he deems necessary to more nearly meet the cost of the service, annually may adjust the assessments within the limits set herein.

Sec. 11. Minnesota Statutes 1965, Section 32.394, Subdivision 9, is amended to read:

Subd. 9. The amount of such assessments shall be payable by the processor on or before July 1, of each year, and if not paid on or before July 31, following, the service shall be discontinued, and permission to use the Grade A label shall be withdrawn; provided, that such processor may terminate such payment and such service without loss of the Grade A label if written notice of such intention is given ~~at least 30 days~~ prior to the due date of the payment of said assessment and if the continuous inspection of said plant and farms is assumed by a city, village or borough whose milk control ordinance is substantially equivalent to Minnesota Law and regulation and is enforced with equal effectiveness. When such written notice is given by the processor on or before December ~~± 31~~ preceding the due date, that portion of the assessment for the period January 1 through June 30, immediately following, shall be refunded to the processor. The fees for services performed by the activities of this section shall be deposited in the state treasury and shall constitute a separate account to be known as the Grade A inspection service account, which is hereby created, set aside, and appropriated as a revolving fund to be used to help to defray the cost of administration, refunds and expenses of the Grade A preliminary and continuous inspection services and shall be in addition to and not in substitution for the sums appropriated or otherwise made available for this purpose to the department of agriculture.

Sec. 12. Minnesota Statutes 1965, Section 32.397, is amended to read:

32.397 Enforcement standards. The standards set forth in sections 32.391 to 32.398 *and regulations adopted thereunder by the commissioner* shall be considered as the ~~minimum~~ *only such standards only for use in the state of Minnesota. Nothing in sections 32.391 to 32.398, shall be construed to prevent any* No municipality or other subdivision of state government ~~from providing~~ shall provide, by ordinance more stringent or comprehensive standards than are contained ~~therein~~ *in sections 32.391 to 32.398 and regulations adopted thereunder by the commissioner.*

Sec. 13. **Effective date.** *This act takes effect on July 1, 1967. Notwithstanding the effective date of this act, the commissioner*

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is authorized to hold hearings and promulgate rules and regulations previous to July 1, 1967, to carry out the provisions of this act.

Approved April 21, 1967.

CHAPTER 220—H. F. No. 972

An act relating to the dissection of dead bodies; amending Minnesota Statutes 1965, Section 145.161.

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

Section 1. Minnesota Statutes 1965, Section 145.161, is amended to read:

145.161 **Dead bodies; dissection; when permitted.** The right to dissect the dead body of a human being shall be limited to: *(a) cases specially provided by statute, or by the direction or will of the deceased; (b) cases where a coroner is authorized to hold an inquest upon the body, and then only so far as he may authorize dissection; and (c) cases where the husband, wife, or next of kin, charged by law with the duty of burial, or wife shall authorize dissection for the purpose of ascertaining the cause of death, and then only to the extent so authorized; and (d) cases where one of the next of kin, charged by law with the duty of burial, shall authorize dissection for the purpose of ascertaining the cause of death and then only to the extent so authorized, provided no dissection shall be performed pursuant to this clause if there is objection by anyone of such next of kin.* Every person who shall make, cause or procure to be made, any dissection of the body of a human being, except as hereinbefore provided, shall be guilty of a gross misdemeanor.

Approved April 21, 1967.

CHAPTER 221—H. F. No. 984

[Not Coded]

An act relating to the town of Fayal in St. Louis county; authorizing the issuance of bonds for a municipal building.

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

Section 1. **Fayal, town of; building bonds.** The town of

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