

of age, who appear incapable of receiving just impressions of the facts respecting which they are examined, or of relating them truly, are not competent witnesses;

(7) A psychologist or consulting psychologist shall not, without the consent of his client, be allowed to disclose any information or opinion based thereon which he acquired in attending the client in a professional capacity, and which was necessary to enable him to act in that capacity.

Sec. 14. Minnesota Statutes 1971, Sections 148.79; 148.80; 148.81; 148.82; 148.83; 148.84; 148.85; and 148.86, are repealed.

Sec. 15. **APPROPRIATION.** The sum of \$35,000 is appropriated from the general fund in the state treasury to the board for the purposes of this act for the biennium beginning July 1, 1973. This appropriation shall not lapse until July 1, 1975, notwithstanding Minnesota Statutes, Section 16.17 or other law.

Sec. 16. **EFFECTIVE DATE.** This act is effective July 1, 1973.

Approved May 24, 1973.

CHAPTER 686—S.F.No.160

[Coded]

An act relating to food; requiring open dating of perishable food; directing the commissioner of agriculture to promulgate rules and regulations governing the dating, handling and labeling of perishable food; providing penalties.

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

Section 1. [31.781] **FOOD; QUALITY ASSURANCE DATE; 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.

Changes or additions indicated by underline, deletions by ~~strikeout~~.

Sec. 2. [31.782] **DEFINITIONS.** Subdivision 1. As used in this act, 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.

Sec. 3. [31.783] **REGULATIONS, SCOPE.** Subdivision 1. The commissioner shall administer and enforce the provisions of this act 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 this act.

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 this act.

Subd. 4. Whenever the commissioner has reason to believe that any regulation adopted pursuant to this act 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.

Sec. 4. [31.784] **EXPIRATION OF QUALITY ASSURANCE DATE.** Nothing contained in this act 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.

Sec. 5. [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 this act, the commissioner may, by regulation,

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exempt any product from the provisions of this act if it is in compliance with such other statute or regulation.

Sec. 6. [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 this act.

Sec. 7. [31.787] **ENFORCEMENT.** In enforcing the provisions of this act, 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 this act 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 this act.

Sec. 8. [31.788] **PENALTIES.** Any person injured by a violation of this act may bring a civil action and recover damages, together with costs and disbursements.

Sec. 9. [31.789] **EXEMPTION.** Nothing in this act shall apply to any sale exempt from a license by the Minnesota Constitution, Article 1, Section 18.

Sec. 10. **EFFECTIVE DATE.** This act shall be effective as to all perishable food manufactured or processed on or after January 1, 1974.

Approved May 24, 1973.

CHAPTER 687—S.F.No.328

[Coded in Part]

An act relating to motor fuel; requiring display of octane rating; amending Minnesota Statutes 1971, Section 325.77, Subdivisions 1, 3, and 4, and by adding a subdivision.

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

Section 1. Minnesota Statutes 1971, Section 325.77, Subdivision 1, is amended to read:

Changes or additions indicated by underline, deletions by ~~strikeout~~.