
CHAPTER 2—H.F.No.662

An act relating to food; providing for the regulation and licensing of food handlers; amending Minnesota Statutes 1971, Sections 28A.05; 28A.15, Subdivisions 6, 7, and 8; 28A.16; 32.59; and 34.05; repealing Minnesota Statutes 1971, Section 31.495, Subdivision 3.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1971, Section 28A.05, is amended to read:

28A.05 FOOD; REGULATION AND LICENSING; CLASSIFICATION. All persons required to have a license under section 28A.04 shall be classified into one of the following three classes of food handlers, according to their principal mode of business.

(a) **RETAIL FOOD HANDLERS.** Retail food handlers are persons who sell or process and sell food directly to the ultimate consumer or who custom process meat or poultry.

(b) **WHOLESALE FOOD HANDLERS.** Wholesale food handlers are persons who sell to others for resale or who store or handle food intended for sale to others for resale.

(c) **FOOD PROCESSORS OR MANUFACTURERS.** Food processors or manufacturers are persons who process or manufacture raw materials and other food ingredients into food items, or who reprocess food items, or who package food for sale to others for resale, or who commercially slaughter animals or poultry. Included herein are persons who can, extract, ferment, distill, pickle, bake, freeze, dry, smoke, grind, mix, stuff, pack, bottle, recondition, or otherwise treat or preserve food for sale to others for resale, cold storage warehousemen as defined in section 28.01, subdivision 3, salvage food processors as defined in section 31.495, subdivision 1, dairy plants as defined in section 32.01, subdivision 6, nonresident manufacturers of frozen foods as described in section 32.59, and nonresident manufacturers of nonalcoholic beverages as described in section 34.05.

Sec. 2. Minnesota Statutes 1971, Section 28A.15, Subdivision 6, is amended to read:

Subd. 6. Persons selling and dispensing the following foods by the sole use of a vending machine located in a place of business owned and operated by such person: ice manufactured and packaged by another, bottled or canned soft drinks, prepackaged confections, and similar dry, nonperishable items such as ball gum, nuts, and panned candies.

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Sec. 3. Minnesota Statutes 1971, Section 28A.15, Subdivision 7, is amended to read:

Subd. 7. Persons whose principal business is not food handling but who sell only ice manufactured and prepackaged by another or such nonperishable items as bottled or canned soft drinks and prepackaged confections at retail, or persons who for their own convenience or the convenience of their employees have available for rehydration and consumption on the premises such nonperishable items as dehydrated coffee, soup, hot chocolate or other dehydrated food or beverage.

Sec. 4. Minnesota Statutes 1971, Section 28A.15, Subdivision 8, is amended to read:

Subd. 8. A licensed pharmacy selling only food additives, food supplements, canned or prepackaged infant formulae, ice manufactured and packaged by another, or such nonperishable food items as bottled or canned soft drinks and prepackaged confections at retail.

Sec. 5. Minnesota Statutes 1971, Section 28A.16, is amended to read:

28A.16 PERSONS SELLING LIQUOR. The provisions of the Minnesota consolidated food licensing law, sections 28A.01 to 28A.16 and acts amendatory thereto, shall not apply to persons licensed to sell nonintoxicating malt liquor "on sale" as provided in section 340.02, or to persons licensed to sell intoxicating liquors "on sale" or "off sale" as provided in section 340.11, provided that these persons ~~have no food service other than prepackaged items~~ sell only ice manufactured and packaged by another, or such nonperishable food items as bottled or canned soft drinks and prepackaged confections at retail.

Sec. 6. Minnesota Statutes 1971, Section 32.59, is amended to read:

32.59 NONRESIDENT MANUFACTURER, LICENSE. Any person who manufactures frozen foods, mix, ice cream mix, mix base, or ice cream mix base outside of the state, for sale within the state, shall apply for registration with the department of agriculture in such form, and furnish such information, as it may require. Samples of all frozen foods, mix, ice cream mix, mix base, or ice cream mix base, so manufactured for sale and sold within this state, shall be submitted to the department. Each application for registration shall be accompanied by a fee of ~~\$19~~ \$50, which shall constitute the registration fee in case certificate of registration is granted. If the department of agriculture shall find that the samples so submitted are up to the accepted standards, and otherwise comply with the laws of this state, it shall issue to applicant a certificate of registration.

Sec. 7. Minnesota Statutes 1971, Section 34.05, is amended to

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read:

34.05 REGISTRATION BY NONRESIDENT MANUFACTURERS AND DISTRIBUTORS; EXCEPTION. Subdivision 1. Except as provided in subdivision 2, any person who manufactures distributes soft drinks or other non-alcoholic beverages manufactured outside of this state, for sale within this state, shall apply for registration with the commissioner in such form and furnish such information as he may require. Samples of all soft drinks or other non-alcoholic beverages so manufactured for sale and sold within this state shall be submitted. Each application shall be accompanied by a registration fee of \$30-\$50, which shall constitute the registration fee in case registration is granted, and one-half of which may be retained to reimburse the state for inspection should registration be refused. If the commissioner shall find that the samples so submitted are up to accepted standards, and otherwise comply with the laws of this state, he shall issue to the applicant a certificate of registration.

Subd. 2. A distributor need not register if the label of the non-alcoholic beverage offered for sale bears, in addition to all other required information, the identity of a licensed manufacturer. By identity is meant:

(a) The actual name and address including the zip code of said manufacturer, or

(b) An identification code or number consisting of the number for the IBM Numerical Code of States representing the state of origin followed by the plant number corresponding to a permanent list of members assigned by the state regulatory agency having jurisdiction. Such number may be printed, embossed, stamped, or perforated on the container label. If the manufacturer cannot be identified because of misuse of the identity code, the product shall be deemed to be misbranded.

Sec. 8. REPEALER. Minnesota Statutes 1971, Section 31.495, Subdivision 3, is repealed.

Approved January 24, 1974.

CHAPTER 3—H.F.No.679
[Coded in Part]

An act relating to wild animals; regulating the public exhibition of wildlife; providing penalties; amending Minnesota Statutes 1971, Chapter 97, by adding a section, and Section 346.21, Subdivision 8.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

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