

persons of minor age and other disqualified persons as provided by sections 340.73 and 340.78, who enters the state of Minnesota from another state may have in his personal possession one quart (32 ounces) of intoxicating liquor or fermented malt beverages or who enters the state of Minnesota from a foreign country may have in his possession one gallon (128 ounces) of intoxicating liquor or ten quarts (320 ounces) of fermented malt beverages without the required payment of the Minnesota excise tax. Any collector of commemorative bottles as defined in section 340.44, clauses (6) and (7), excluding persons of minor age and other disqualified persons as provided by sections 340.73 and 340.78, who enters the state of Minnesota from another state may have in his personal possession 12 or fewer commemorative bottles without the required payment of the Minnesota excise tax. Any person who shall import or have in his possession any such untaxed intoxicating liquor or fermented malt beverages in excess of the quantities provided for in this section is guilty of a misdemeanor. The foregoing provisions do not apply to the consignments of alcoholic beverages shipped into this state by holders of Minnesota import licenses or Minnesota manufacturers and wholesalers of such beverages when duly licensed by the commissioner or to common carriers with licenses to sell intoxicating liquor in more than one state. Any peace officer, the commissioner, or his authorized agents, may seize such untaxed liquor.

Approved May 20, 1977.

CHAPTER 218—H.F.No.166

An act relating to health; licensing certain facilities; allowing for the reinstatement of previously adopted rules; amending Minnesota Statutes 1976, Section 144.50.

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

Section 1. Minnesota Statutes 1976, Section 144.50, is amended to read:

144.50 HEALTH; HOSPITALS, LICENSES; DEFINITIONS. Subdivision 1. No person, partnership, association, or corporation, nor any state, county, or local governmental units, nor any division, department, board, or agency thereof, shall establish, operate, conduct, or maintain in the state any hospital, sanatorium or other institution for the hospitalization or care of human beings without first obtaining a license therefor in the manner provided by law.

Subd. 2. Hospital, sanatorium or other institution for the hospitalization or care of human beings, within the meaning of sections 144.50 to 144.56 shall mean any institution, place, building, or agency, ~~other than a diagnostic or treatment center, a clinic, or a physician's office,~~ in which any accommodation is maintained, furnished, or offered for; the hospitalization of the sick or injured ; elective outpatient surgery for preexamined, prediagnosed low risk patients; emergency medical services offered 24 hours a day, seven days a week, in an ambulatory or outpatient setting in a facility not a part of a licensed hospital; or ~~for~~ the institutional care of human beings. Nothing in sections 144.50 to 144.56 shall apply to a clinic, a physician's office, or to hotels or other similar places that

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furnish only board and room, or either, to their guests. . . .

Subd. 3. "Hospitalization" means the reception and care of persons for a continuous period longer than 24 hours, for the purpose of diagnosis or treatment bearing on the physical or mental health of such persons.

Subd. 4. The term "hospital" includes the term "sanatorium" unless the context clearly indicates otherwise.

Subd. 5. Nothing in sections 144.50 to 144.56 shall authorize any person, partnership, association, or corporation, nor any state, county, or local governmental units, nor any division, department, board, or agency thereof, to engage, in any manner, in the practice of healing, or the practice of medicine, as defined by law.

Sec. 2. EXISTING RULES. Rules previously promulgated by the state board of health relating to the licensure of any institution, place, building or agency, in which any accommodation is maintained, furnished or offered for elective outpatient surgery for preexamined, prediagnosed low risk patients shall apply until repealed, modified or superseded by a rule promulgated in accordance with chapter 15.

Sec. 3. EFFECTIVE DATE. This act is effective the day following its final enactment.

Approved May 20, 1977.

CHAPTER 219—H.F.No.193

An act relating to the military; financing of armory construction; amending Minnesota Statutes 1976, Sections 193.143; 193.145, Subdivision 2; and 193.146, Subdivision 1; repealing Minnesota Statutes 1976, Section 193.1431.

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

Section 1. Minnesota Statutes 1976, Section 193.143, is amended to read:

193.143 **STATE ARMORY BUILDING COMMISSION; FINANCING; POWERS.** Such corporation, subject to the conditions and limitations prescribed in sections 193.141 to 193.149, shall possess all the powers of a body corporate necessary and convenient to accomplish the objectives and perform the duties prescribed by sections 193.141 to 193.149, including the following, which shall not be construed as a limitation upon the general powers hereby conferred:

(1) To acquire by lease, purchase, gift or condemnation proceedings all necessary right, title and interest in and to the lands required for a site for a new armory and all other real or personal property required for the purposes contemplated by the military code and to hold and dispose of the same, subject to the conditions and limitations herein

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