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PROVISIONS OF MINNESOTA LAW RELATING TO AGRICULTURE, FOOD,  
AND THE JURISDICTION OF THE COMMISSIONER OF AGRICULTURE

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I. INTRODUCTION

Minnesota law contains a number of provisions relating to food and agriculture. This paper is an abstract of most of the significant substantive provisions contained in the Minnesota Constitution and Minnesota Statutes. Because this is an abstract, the actual provision of the law cited in the abstract should be referred to for the precise meaning, exceptions, and additional provisions of the law.

The next section cites provisions relating to agriculture in the Minnesota Constitution. The last section is an abstract of provisions in Minnesota Statutes, relating to agriculture, food, and jurisdiction of the commissioner of agriculture.

II. MINNESOTA CONSTITUTION

The Minnesota Constitution contains seven provisions that relate to agriculture. These provisions recognize the importance of agriculture to the state and also provide protections for farmers to produce and market their crops.

Agricultural Leases Longer than 21 Years Void. [Minn. Const., art. I, § 15] "Leases and grants of agricultural lands for a longer period than 21 years reserving rent or service of any kind shall be void."

Tax Exemption for Farm Machinery. [Minn. Const., art. X, § 1] "There may be exempted from taxation personal property not exceeding in value \$200 for each household, individual or head of a family, and household goods and farm machinery as the legislature determines."

Public Debt May be Contracted for Development of Agricultural Resources. [Minn. Const., art. XI, § 5] "Public debt may be contracted and works of internal improvements carried on for the following purposes . . . (h) to develop the state's agricultural resources by extending credit on real estate security in the manner and on the terms and conditions prescribed by law; . . . ."

Investment of Permanent University Fund in Farm Land Mortgages. [Minn. Const., art. XI, § 9] "Permanent university fund of this state may be loaned to or invested in . . . first mortgage loans secured upon improved and cultivated farm lands of this state, but no such investment or loan shall be made until approved by the board of investment; . . . nor shall any farm

loan or investment be made when the investment or loan would exceed 30 percent of the actual cash value of the farmland mortgaged to secure the investment; . . . ."

Common Carriers Transporting Agricultural Products on Public Right-of-ways. [Minn. Const., art. XIII, § 4] "All corporations which are common carriers enjoin the right-of-way in pursuance of the provisions of this section shall be bound to carry the mineral, agricultural and other productions of manufacturers on equal and reasonable terms."

Prohibition of Combinations to Affect Food Markets. [Minn. Const., art. XIII, § 6] "Any combination of persons either as individuals or as members or officers of any corporation to monopolize markets for food products in this state or to interfere with, or restrict the freedom of markets is a criminal conspiracy and shall be punished as the legislature may provide."

License to Sell Farm Products Prohibited. [Minn. Const., art. XIII, § 7] "Any person may sell or peddle the products of the farm or garden occupied and cultivated by him without obtaining a license therefore."

### III. MINNESOTA STATUTES

Minnesota Statutes combine many provisions relating to food and agriculture. The provisions include regulation of trade practices, commodity promotion, soil and water conservation, and food inspection, handling and marketing. Many of these areas are regulated by the commissioner of agriculture.

The department of agriculture was established in 1919. The head of the department of agriculture is the commissioner of agriculture. The commissioner of agriculture must encourage and promote the development of agricultural industries, investigate marketing conditions affecting farm products, and cooperate with the department of agriculture of the University of Minnesota in all areas that may be beneficial to the agricultural interests of the state. The commissioner of agriculture is given jurisdiction over a number of different areas generally contained in Chapters 17 to 42 of the Minnesota Statutes.

The abstracts have been grouped into the following headings:

Agricultural Commodities	p. 3
Agricultural Credit	p. 3
Agricultural Land	p. 5
Agricultural Operations As A Nuisance	p. 6
Agricultural Societies	p. 6
Animals	p. 7
Beverages	p. 8
Bushel	p. 8
Commodity Marketing	p. 8
Conservation	p. 10

Cooperative Associations	p. 10
Crops	p. 10
Dairy and Dairy Products	p. 11
Department of Agriculture	p. 13
Drainage	p. 13
Ethanol	p. 14
Farm Debtor-Creditor Rights	p. 14
Farm Names	p. 16
Feeds	p. 16
Food	p. 16
Food Processing	p. 18
Grain	p. 18
Hazardous Substance Labeling	p. 20
Linseed Oil	p. 20
Livestock	p. 20
Meats	p. 21
Packing Houses and Slaughtering	p. 22
Paint and Varnish	p. 22
Plants and Plant Pest Control	p. 22
Poultry and Eggs	p. 24
Seeds	p. 25
Warehousing and Storage	p. 25
Weather Modification	p. 27
Wholesale Produce	p. 27
Wood Alcohol	p. 27

#### AGRICULTURAL COMMODITIES

Agricultural Product Promotion. [M.S. §§ 17.101-17.102]  
 The commissioner must develop markets for agricultural products of the state and may make grants and enter contracts to promote agricultural products. In addition, the commissioner must establish a logo or labeling statement indicating or identifying state agricultural products.

Commodity Promotion Councils. [M.S. §§ 17.51-17.69]  
 Producers of an agricultural commodity may establish a commodity research and promotion council for that commodity. A check-off to generate fees is authorized for defraying expenses.

Trade and Export Development. [M.S. § 17.103] The commissioner must encourage and develop commerce with other states and foreign countries. An Export Finance Authority, with the commissioner of agriculture as chairman of the board, is established to aid and facilitate the financing of exports from the state.

#### AGRICULTURAL CREDIT

Agricultural Resource Loan Guarantee Program. [M.S. §§ 41A.01-41A.08] The agricultural resource loan guarantee program is to further development of the state's agricultural resources and improve the market for its agricultural products. Credit

advanced under loan guarantee commitments must be secured by subrogation of the state to the mortgage security and other security interest granted to a private lender in proportion to the amount advanced by the state. The state may guarantee up to 90 percent of a loan for the cost of an agricultural resource project or for the refinancing of a loan. The total principal of the guaranteed loan may not exceed 80 percent of the total cost of the project. Liability of the state for the state guarantees are limited to the amount of funds appropriated and the loan guarantees are not a general obligation of the state. Taxes and governmental charges that are received as a consequence of the agricultural resource project in which a loan guarantee is made by the state is appropriated from the loan guarantee fund.

County Seed and Feed Loans. [M.S. §§ 395.14-395.24] Counties may lend money to residents of the county to purchase seed and feed if there has been a total or partial failure of crops in the county because of hail, flood, drought, fire, or other cause. The residents must be unable to procure seed for planting and be in imminent danger of losing their property. To initiate the county seed and feed program, at least 25 resident freeholders of the county must sign a petition and present it to the auditor by March 1 following the crop failure. The county board must meet and authorize or deny the loan program. Applicants may not receive money to purchase more than 200 bushels of wheat or its equivalent in other seed. The indebtedness is due October 1 and the county has a priority lien on the crops produced from the seed.

Family Farm Security Program. [M.S. §§ 41.51-41.62] The family farm security program was established to aid farmers in obtaining credit for acquiring farm real estate. State money is provided to guarantee loans to purchase farm real estate. Eligible applicants may apply for a family farm security loan. The loan may be sponsored by the seller or provided by an eligible lender.

Minnesota Rural Finance Administration. [M.S. §§ 41B.01-41B.23] The Minnesota rural finance administration is established to issue bonds to finance or provide security for a program that purchases participation interests in loans to be made by agricultural lenders to farmers for restructuring existing debt and making additional credit available. The administration is directed to adopt rules for the state to participate in restructured loan agreements.

Rural Development Finance Authority. [M.S. §§ 362A.01-362A.08] A county or combination of counties may establish a rural development financing authority as a public nonprofit corporation to develop projects for producing or processing agricultural products. The rural development finance authority is authorized to issue bonds towards projects. The authority may enter into agreements with owners of agricultural land for processing agricultural products. The authority may enter into

agreements with owners of agricultural land for processing agricultural products. The authority may enter into an agreement with a county under which the increment of the taxable value of the property constituting an agricultural resource project over and above the taxable value of the projects site before the project was undertaken is excluded from the taxable value of the property on which the mill rate is based. A rural development finance authority must receive approval of the commissioner of energy and economic development.

#### AGRICULTURAL LAND

Acquisition of Land for Agricultural Education. [M.S. § 123.64] A school board in a district where agriculture is practiced may purchase within or outside the limits of the district for instruction, experimentation, and demonstration of agricultural projects.

Agricultural Land Ownership by Non-Americans. [M.S. § 500.221] Except as expressly provided, only a citizen of the United States or a permanent resident alien of the United States may acquire directly or indirectly an interest in agricultural land in the state. Except as specifically provided, corporations may not obtain any interest in agricultural land unless at least 80 percent of each class of stock issued and outstanding or 80 percent of the ultimate beneficial interest of the entity is held directly or indirectly by citizens of the United States or permanent resident aliens.

Agricultural Land Preservation Program. [M.S. §§ 48.01-48.17] Counties outside the metropolitan area may submit a proposed agricultural land preservation plan for land use planning that takes into consideration exclusive agricultural use zones.

Conservation Reserve Program. [M.S. §§ 40.40-40.45] Marginal agricultural land may be placed into the conservation reserve program and restricted from certain agricultural use. The property owners that place the agricultural land into the program receives payment for cover and for placing the land in the program.

Corporate Ownership of Farmland. [M.S. § 500.24] To encourage and protect family farmers as the basic economic farming unit, corporations, pensions, and investment funds may not engage in farming of farmland except as specifically provided. Corporations that do own farmland must register with the commissioner of agriculture, properly protect conservation practices, provide reports to the commissioner, and must make a good faith effort to offer farmland for sale or lease to the immediately preceding former owner at a price no higher than the highest price offered by a third party that is acceptable.

Metropolitan Agricultural Preserves. [M.S. §§ 372H.01-473H.18] Local governments in the metropolitan area must classify agricultural lands to be eligible for designation as agricultural preserves. An owner of agricultural land may establish an agricultural preserve on eligible property. Property in an agricultural preserve that is in agricultural use must be valued for ad valorem tax purposes on only the agricultural values and not other nonagricultural factors.

State agricultural Land Preservation and Conservation Policy. [M.S. §§ 17.80-17.84] It is state policy to preserve agricultural land and conserve its long-term use for the production of food. State agency action that adversely affects ten or more acres of agricultural land must be referred to the commissioner of agriculture for review and recommendation.

#### AGRICULTURAL OPERATIONS AS NUISANCE

Agricultural Operations as Nuisances. [M.S. § 561.19] An agricultural operation that is part of a family farm is not and will not become a private or public nuisance after six years from the date it was established if it was not a nuisance at the time the operation was begun. This provision is subject to certain exceptions for improper operation and large animal feedlot facilities.

#### AGRICULTURAL SOCIETIES

County Agricultural Societies. [M.S. §§ 38.01-38.28] An agricultural society may be formed in any county to have jurisdiction and control of the grounds where its fairs are held. Provisions are made for zoning and licensing fair activities. Agricultural societies are given the authority to levy taxes to pay for its financial obligations.

County Extension. [M.S. §§ 38.33-38.38] County extension committees are provided in each county to coordinate the work of the federal government, state, counties, and the division of agricultural extension of the University of Minnesota in the maintenance of county extension work in agricultural and home economics. County boards have the authority to fund county extension committees. Persons employed by the county extension committees shall be called county extension agents.

State Agricultural Society. [M.S. §§ 37.01-37.26] The state agricultural society is established as a public corporation and has jurisdiction over the state fairgrounds. The board of managers manages and controls the state agricultural society. The state agricultural society may license and regulate shows, exhibitions, and performances on the fairgrounds.

Intoxicating liquors may not be sold, stored, or given away within one-half mile of the state fairgrounds. The presence or

possession of intoxicating liquors within these limits is a public nuisance.

A person may not conduct a circus within any city or within a radius of six miles of any city within a period of 18 days preceding the dates of the annual state fair or during the fair.

#### ANIMALS

Apiaries. [M.S. §§ 19.50-19.65] The commissioner of agriculture is directed to enforce and inspect all apiaries. Regulations are provided for operation for bee-keeping operations and movement of bees and bee-keeping equipment.

Domestic Fur-bearing Animals. [M.S. §§ 17.41-17.44] Raising fur-bearing animals is an agricultural pursuit and is regulated by the commissioner of agriculture.

Importation of European Rabbits Prohibited. [M.S. § 17.45] European rabbits may not be imported into Minnesota without permission of the commissioner.

Insect Pests, Plant Diseases, Bee Diseases, and Destructive or Nuisance Animals. [M.S. §§ 18.021-18.022] The commissioner may allow the governing body of a county, city, or town to control insect pests, plant diseases, bee diseases, and destructive or nuisance animals. The local government unit is authorized to levy a tax to pay for expenses. The commissioner has the authority to control Dutch Elm disease in an area if the local government unit does not act to control Dutch Elm disease.

Mosquito Abatement. [M.S. §§ 18.041-18.161] Local government units are authorized to establish mosquito abatement boards to control mosquitos. A local unit of government may levy to pay for expenses related to mosquito abatement. The commissioner of agriculture may establish rules to regulate mosquito abatement and is an ex officio member of each mosquito abatement board.

Rabies. [M.S. §§ 35.67-35.69] Public health officers must investigate the complaints of rabies. If the officer investigating the complaint finds that rabies does exist in a town or city, a proclamation of the investigation must be made that prohibits the owner or custodian of any dog from allowing the dog to be at large within the town or city unless the dog is effectively muzzled so that it cannot bite any person or animal. A person may kill any dog running at large on the public streets or roads of a town or city where a rabies proclamation has been made and peace and health officers must file a complaint concerning violations of unmuzzled dogs running at large.

## BEVERAGES

Fermented Malt Beverages. [M.S. §§ 34.119-34.14] A fermented malt beverage may not be sold in this state unless it contains more than two-thirds barley malt as the grain used in its manufacture. The commissioner of agriculture must enforce this provision.

Non-alcoholic Beverages. [M.S. §§ 34.01-34.113] A person may not manufacture soft drinks or other nonalcoholic beverages without obtaining a license from the commissioner. The commissioner must inspect non-alcoholic beverages not manufactured in the state that are to be sold in the state.

A person may not label or represent soft drinks or non-alcoholic beverages by using a trademark, trade name, or proprietary name that is not owned by the person unless the beverage is being marketed under a franchise or license.

## BUSHEL

Standard Weight of a Bushel. [M.S. § 239.32] In contracts for the sale of any of the following articles, the term "bushel" means the number of pounds stated:

Corn, in ear, 70; beans (except lima beans, scarlet runner pole beans, white runner pole beans and broad windsor beans), smooth peas, wheat, clover seed, Irish potatoes and alfalfa, 60; broom corn seed and sorghum seed, 57; shelled corn (except sweet corn), rye, lima beans, flaxseed and wrinkled peas, 56; sweet potatoes and turnips, 55; onions and rutabagas, 52; buckwheat, hempseed, rapeseed, beets, green apples, walnuts, rhubarb, hickory nuts, chestnuts, tomatoes, scarlet runner pole beans and white runner pole beans, 50; barley, millet, Hungarian grass seed, sweet corn, cucumbers and peaches, 48; broad windsor beans, 47; carrots, timothy seed and pears, 45; parsnips 42; spelts or splits, 40; cranberries, 36; oats and bottom onion-sets, 32; dried apples, dried peaches and top onion-sets, 28; peanuts, 22; blue grass, orchard grass and redtop seed, 14; plastering hair, unwashed, 8; plastering hair, washed, 4; lime, 80; but if sold by the barrel the weight shall be 200 pounds. In contracts for the sale of green apples, the term "bushel" means 2150.42 cubic inches.

## COMMODITY MARKETING

Collective Bargaining Powers for Agricultural Producers. [M.S. §§ 17.691-17.701] Agricultural producers are authorized to form associations to engage in collective bargaining for producing, marketing, bargaining, shipping, and processing of an agricultural commodity.

Cooperative Marketing. [M.S. §§ 308.51-308.92] Five or more persons engaged in the production of agricultural products may form a nonprofit cooperative association to engage in

activities related to selling or processing agricultural products of its members. The association must properly incorporate under statutory provisions. A cooperative marketing association organized under these provisions is declared not to be a restraint of trade, illegal monopoly, or an attempt to lessen competition or fix prices arbitrarily.

Discrimination in Purchase of Farm Products. [M.S. §§ 17.14-17.19] A person is prohibited from paying a higher price for farm products in one area of the state over another after allowing for the cost of transportation unless the discriminating price paid is also paid in the same area by a bona fide competitor.

Interstate Compact on Agricultural Grain Marketing. [M.S. § 236A.01] The state of Minnesota has ratified and will become a member of the interstate compact on agricultural grain marketing upon five states adopting the grain compact before July 1, 1988.

The compact authorizes an agency comprised of the member states to be known as the interstate agricultural grain marketing commission. The commission is directed to conduct comprehensive and continuing studies and investigations of agricultural grain marketing practices, procedures, and controls and the relationship to, and the effect upon, the citizens and economies of the member states. The commission must make recommendations for the correction of weaknesses and solutions to problems in the present system of agricultural grain marketing or develop alternatives that will correct the problems including developing, drafting, and recommending proposed state or federal legislation.

Licenses to peddle farm and garden products. [M.S. §§ 329.08 and 329.14] A license to sell the products of a farm or garden may not be required of a person who occupied the farm or garden and cultivated the products themselves.

Unfair Acts by Agricultural Labor Employees Against Processors and Producers. [M.S. § 179.11] A person or labor organization may not hinder or prevent by intimidation, force, coercion or sabotage, or by threats, the production, transportation, processing, or marketing by a producer, processor, or marketing organization, of agricultural products, or to combine or conspire to cause or threaten to cause injury to any processor, producer, or marketing organization, whether by withholding labor or other beneficial intercourse, refusing to handle, use or work on particular agricultural products, or by other unlawful means, to bring the processor or marketing organization against its will into a concerted plan to coerce or inflict damage upon any producer. However, a strike that is called by the employees of a producer, processor, or marketing organization for the purpose of improving their own working conditions or promoting or protecting their own rights of organization, selection of bargaining representative, or collective bargaining is allowed.

## CONSERVATION

Soil and Water Conservation Board. [M.S. §§ 40.01-40.15] The soil and water conservation board is established to serve as an agency within the department of agriculture to work with supervisors of soil and water conservation districts and coordinate and develop programs to identify erosion, flooding, sediment, and agriculturally-related pollution problems. The state board may enter into cost-sharing contracts for erosion control and water management.

Soil and water conservation districts are governed by a board of supervisors. Soil and water conservation districts may initiate works of improvement when directed by county boards.

Soil Loss. [M.S. §§ 40.19-40.28] Cities, towns, and counties may enact soil loss ordinances to prevent excessive soil loss. A person may not cause, conduct, or contract for an activity that causes excessive soil loss.

## COOPERATIVE ASSOCIATIONS

Cooperative Associations. [M.S. §§ 308.01-308.43] A cooperative association may be formed to engage in agricultural business. The cooperative association may buy, sell, or deal in its own products and the products of its individual members or patrons. The cooperative association may negotiate the price for selling the products of its members but must distribute its profits at least once a year. The cooperative association has perpetual existence and is governed by a board of directors.

## CROPS

Apples. [M.S. §§ 30.55-30.59] The commissioner must establish standards for grading and classifying all apples sold in this state. Apples sold at retail must be conspicuously marked with a label stating the grower type and type of apples. Apples that do not meet the requirements on establish Minnesota grade must be marked with the word "utility." Growers selling less than 25 bushels of apples per year are exempt from labeling requirements.

Hay and Straw. [M.S. §§ 25.46-25.47] The commissioner must inspect, grade, sample, and analyze hay and straw in the state and establish grades of hay and straw for inspection.

Potato Grading, Labeling, and Inspections. [M.S. §§ 30.003-30.201] Potatoes that are sold at retail in a closed container must be graded and labeled according to standard grades. Potatoes that are artificially colored may not be sold at retail to consumers. The commissioner may employ inspectors to inspect and grade potatoes.

Strawberries and Raspberries. [M.S. §§ 30.50-30.51] The commissioner may regulate grades, handling, and sales of strawberries and raspberries.

Wild Rice - Paddy-Grown. [M.S. § 30.49] Paddy-grown wild rice must be plainly and conspicuously labeled as paddy-grown as prescribed by the commissioner.

#### DAIRY AND DAIRY PRODUCTS

Artificial Dairy Products. [M.S. §§ 32.529-32.534] A person may not manufacture, sell, or possess an artificial dairy product that is not properly labeled. Nonliquid toppings, dry coffee whiteners, frozen liquid whiteners and margarine-type products are not subject to these requirements. An artificial dairy product must display the major differences between the artificial dairy product and the one that it resembles including nutritional information.

Butter. [M.S. §§ 32.471-32.475] A person may only manufacture or sell butter that contains at least 80 percent butterfat by weight and is manufactured from pasteurized milk or cream. Butterfat spreads may be manufactured and sold with a lower butterfat content if properly packaged and labeled. Butter may not be sold at retail unless it has been graded and labeled. An advertisement of butter offered for sale at retail must plainly and conspicuously indicate the grade of the butter.

Butter Substitutes. [M.S. §§ 33.001-33.111] A person may not sell or advertise any food product that imitates natural butter that is not made from pure, unadulterated milk or cream with the words "butter" or "buttered," "creamery" or "dairy."

A person may not manufacture or sell a product with artificial or imitation flavoring of butter as represented with the words "butter," "buttered," or "butter flavored," but it must contain the words "artificial flavor added" or "with artificial flavor."

A person may not manufacture or sell oleomargarine without being properly labeled as oleomargarine. Oleomargarine packages may not be labeled as dairy rolls, country rolls, Guernsey, Jersey or Holstein. The proprietor of a hotel, dining room, drinking place, mining camp, lumber camp, or other place that serves food for money may not serve oleomargarine unless on every bill of fare the words "oleomargarine used in place of butter" are printed and on the side of the eating room placards must be posted indicating oleomargarine used in place of butter.

Cheese. [M.S. §§ 32.481-32.486] A person may not manufacture, transport, or sell cheese unless it is made from milk that has been pasteurized and subjected to a required process.

Cheese manufactured on the same farm where the milk is produced may be labeled as "Minnesota farmstead cheese" upon applying for a permit from the commissioner.

Dairy Industry Records and Regulations. [M.S. §§ 32.18-32.208] A person engaged in the purchase, manufacture, or sale of dairy products must maintain proper records of the dairy products involved in transactions and manufacturing. A person may not allow a percentage overrun in excess of 24 percent in butter manufactured. A person may not sell butterfat or nonfat milk solids and dairy products in the excess of the number of pounds contained in the dairy products as indicated by the person's records. A person who makes butter or cheese for others from cream or milk furnished by the other persons may not withhold any part of the cream or milk without consent of the owner.

Dairy Industry Unfair Trade Practices. [M.S. §§ 32A.01-32A.09] A manufacturer, distributor, or wholesaler may not directly or indirectly restrain, lessen or destroy competition or injure a competitor in a manner that impairs or prevents fair competition in the sale of certain dairy products. A person may not unfairly compete by selling furniture, trade fixtures, or equipment at other than in the prescribed manner. Persons damaged by unfair dairy trade practices may recover threefold the damages suffered and may obtain injunctive relief.

Dairy Plants. [M.S. § 32.10-32.104] Dairy plants must obtain a license to operate and may be inspected by the commissioner. Political subdivisions 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 production of milk and other dairy products. If a dairy plant is licensed by the commissioner, the plant is exempt from licensing by other political subdivisions except for the licensing requirements of the city where the plant is located.

Dairy Product Containers. [M.S. §§ 32.106] Dairy product containers that are used more than once must be cleaned under rules adopted by the commissioner. Persons who are returning dairy containers to be used more than once must properly cleanse containers under the commissioner's rules.

Dairy Product Purchase Discrimination. [M.S. §§ 32.11-32.12] A person who buys milk, cream, or butterfat for manufacture or sale may not discriminate between different areas of the state by purchasing the commodity at a higher price in one locality than is paid for the same commodity in another after allowing for the reasonable cost of transportation.

Frozen Dairy Foods. [M.S. §§ 32.55-32.645] A person may not manufacture frozen dairy foods without first obtaining a license from the commissioner. Frozen dairy foods that are not

manufactured in this state that are to be sold in this state must be inspected and registered with the commissioner. Frozen dairy products and their ingredients must be properly labeled. Establishments to manufacture frozen dairy foods must be kept in a sanitary condition. Ice cream mix must be pasteurized and properly processed.

Milk and Cream. [M.S. §§ 32.21-32.417] The purchase or sale of unwholesome or adulterated milk or cream is prohibited. A milk producer using a bulk tank for cooling and storage must have a milk room that meets prescribed standards. A copy of the standards must be presented to a buyer of a bulk tank before the tank is delivered to the buyer.

Milk from which the cream has been removed must be properly labeled and pasteurized as required.

All milk and cream must be purchased by weight. Milk and milk products offered for sale must be properly pasteurized unless the milk is purchased for personal use at the place where the milk is produced. Milk and milk products must be properly labeled. Standards are provided for milk and cream manufacturing and sale.

Milk and Cream Testers. [M.S. §§ 32.071-32.078] A person may not operate a milk or cream testing apparatus to determine the percentage of butterfat in milk and cream or grade the milk or cream for the purpose of purchasing without obtaining a license from the commissioner.

A milk and cream and buyer must maintain a licensed milk and cream tester at each dairy plant. A person gathering milk and cream and transporting it by bulk pickup from farm to plant must have a license to grade and sample milk and cream.

#### DEPARTMENT OF AGRICULTURE

Biennial Report. [M.S. § 17.10] The commissioner must submit a biennial report of the department of agriculture to the legislature with recommendations and suggestions relating to the interest of agriculture, foods, and marketing on or before November 15 of each even-numbered year.

#### DRAINAGE

Agricultural Drainage. [M.S. §§ 106A.005-106A.811] County and joint county drainage authorities may design, construct, and finance drainage projects. The cost of the projects are assessed against benefited lands.

Water Bank Programs. [M.S. § 105.392] Wetlands that can be drained and used for agricultural production may be placed into the waterbank program. Payments are made to landowner for not draining the land based on agricultural production values.

## ETHANOL

Ethanol Development Fund. [M.S. § 41A.09] An ethanol development fund is established and administrated by the commissioner of revenue. The commissioner of revenue is directed to make cash payments from the development fund to producers of ethanol or agricultural-grade alcohol for use as a motor fuel. The amount of the payments are prescribed and the fund expires July 1, 1992.

## FARM DEBTOR-CREDITOR RIGHTS

Agricultural Landlord's Lien. [M.S. § 414.96] A person that leases property for agricultural production has a lien for unpaid rent on the crops produced on the property in the crop year and on the crop products and their proceeds. A landlord lien has priority over all other liens or security interests in crops grown or produced on the property that was leased and the crop products and proceeds.

Agricultural Production Input Lien. [M.S. §§ 514.950-514.959] A person who supplies crop or livestock inputs has an agricultural production input lien for the unpaid retail cost of the production inputs.

Ejected Occupant's Right to Crops. [M.S. § 559.14] If an occupant is to be ejected from land, the occupant is entitled to enter the land and gather and remove all crops that are planted prior to the entry of judgment.

Family Farm Legal Assistance. [M.S. §§ 480.250-480.256] The supreme court must contract a nonprofit corporation to provide a family farm legal assistance program for financially distressed farmers. The family farm legal assistance must be directed at farm financial problems, including bankruptcy, discharge of debt, general debtor-creditor relations, and tax considerations.

Farm Mortgage Foreclosure Relief. [M.S. §§ 583.01-583.12] A person in possession of a farm homestead that is subject to a notice of foreclosure may postpone the date of the foreclosure sale by petitioning the district court and reducing the statutory redemption period accordingly.

Harvester's Lien. [M.S. §§ 514.65-514.66] Any person owning or operating a threshing machine, combined thresher and harvester, clover huller, corn picking machine, corn sheller, corn shredder, grain dryer, ensilage cutter or hay baler has a lien upon the grain threshed, clover hulled, corn shelled or shredded, or picked, or dried, ensilage cut, or hay baled for the price or value of the service which has priority over all other liens on the crop product except for seed.

Levy on Growing Crops. [M.S. § 550.17] A levy may be made on unharvested crops but a sale may not be made until the crops are right or ready to be harvested.

Lien For Keeping and Caring for Animals. [M.S. §§ 514.18-514.22] A person may obtain a lien and right of detainer for keeping, feeding, pasturing, or otherwise caring for domestic animals or other beasts including medical or surgical treatment and shoeing.

Lien For Shoeing Animals. [M.S. §§ 514.23-514.34] A person who shoes a horse, mule, ox, or other animal has a lien on the animal for the cost of the shoeing.

Lien For Service of Male Animals. [M.S. §§ 514.62-514.] The owner of any bull, ram, or boar kept for public service shall have a lien upon the offspring of the animal for the price or value of its service.

Mediation of Farm Debts. [M.S. §§ 583.20-583.32] A creditor may not enforce debts against agricultural property unless the creditor and debtor complete mediation as provided in the farmer-lender mediation act.

Planted and Growing Crops-Ownership and Harvesting. [M.S. §§ 557.10-557.12] Planted and growing crops are personal property of the person that has the property right to plant the crops. If the planting crop owner's property right to harvest the crops is involuntarily terminated before the crops are harvested, the person with the right to harvest the crops is liable to the planting crop owner for the crop value.

Redemption of Agricultural Homesteads. [M.S. §§ 550.175 and 582.041] If real property is to be sold on execution or foreclosure and the property contains a portion of a homestead of a debtor, the debtor must be notified by the executing creditor that the homestead may be sold and redeemed separately from the remaining property.

Veterinarian's Lien. [M.S. §§ 514.92-514.94] A licensed veterinarian who performs emergency or veterinary services that cost more than \$25 for animals at the request of the owner or a person in possession of the animals has a lien on the animals for the value of the services. Veterinarians' liens that are perfected after March 22, 1986, for emergency services have priority over other liens in the animals.

## FARM NAMES

Farm Names Recordable. [M.S. § 386.36] The owner of farmlands in the state may designate a specific name for the farmlands being operated. The name, together with a description of the farmlands, may be filed with the county recorder of the county where the lands are located. This name and the property description shall be recorded by the county recorder.

## FEEDS

Feeds. [M.S. §§ 25.31-25.44] Manufacturers and distributors of commercial feeds must register with the commissioner of agriculture. Commercial feeds must be properly labeled for use. A person may not manufacture or distribute any commercial feed that is altered or is misbranded or distribute agriculture commodities, such as whole seed, straw, stover, silage, cobs, husks, or hulls that are adulterated. The commissioner of agriculture must inspect commercial feeds and enforce provisions relating to the regulation of commercial feeds.

## FOOD

Bakery Sanitation Regulations. [M.S. § 31.77] The commissioner must adopt rules relating to sanitary requirements for bakeries, distribution vehicles, and bakery products and standards for identifying and labeling bakery products. The commissioner's rules preempt the requirements of other political subdivisions.

Bulk Food Sales. [M.S. §§ 31.80-31.875] Retail food handlers must properly label bulk food containers. Bulk food must be protected from contamination during display and use and bulk food containers and their dispensing utensils must be cleaned frequently.

Denatured Food. [M.S. § 31.095] Food that is originally designated as food for human consumption that is diverted for animal food uses or seed must be labeled in compliance with the animal, feed, or seed laws.

Diseased Food Handlers. [M.S. § 31.171] A person with a contagious or infectious or venereal disease in its active or convalescent stage or with the presence of disease germs, whether accompanied by the symptoms of the disease itself, may not work in a place where food products are manufactured, handled, or sold where the condition may spread to associates or through milk, cream, butter, or other food products.

Enforcement of Food Laws. [M.S. § 17.04] The commissioner must enforce food laws relating to the manufacture and sale of food.

Food Adulteration. [M.S. §§ 31.121] Any added poisonous or deleterious substance, food addition, pesticide, chemical, or color additive in or on a raw agricultural commodity adulterates the food unless there is a regulation limiting the amount of the substance or the use of the food.

Food Licensing. [M.S. §§ 28A.01-28A.17] A person may not manufacture, process, sell, handle, or store food without obtaining a license from the commissioner of agriculture. Food handlers are classified into retail food handlers, wholesale food handlers, wholesale food processors or manufacturers, or food brokers.

A person whose place of business is a carnival, circus, or fair and holds a license under the food licensing law or chapter 157 is not required to obtain an additional license from a political subdivision. Food vending machines are subject to state inspection and an annual inspection fee of \$5 unless the vending machine is inspected by a city or county or the vending machine only dispenses gum balls, hard candy, confections, canned soft drinks, or ice.

The food licensing requirement do not apply to persons licensed to sell nonintoxicating malt liquor or intoxicating liquors if the persons only sell manufactured ice and nonperishable food items.

Food Quality Assurance Dating. [M.S. §§ 31.781-31.789] The commissioner must adopt rules for quality assurance dating of perishable foods. The commissioner's rules may not require the removal of a perishable food after the expiration of a quality assurance date or imply that the product is not wholesome or safe for human consumption after the quality assurance date.

Food Regulation. [M.S. §§ 31.02-31.175] Adulterating, misbranding food, or manufacturing, selling, delivering, holding, or receiving adulterated or misbranded food is prohibited. The commissioner must inspect and enforce food regulations and may embargo the sale of or condemn misbranded or adulterated food.

Food Regulation Conformity with Federal Law. [M.S. § 31.01] The commissioner of agriculture may adopt regulations that conform as much as practicable with federal law. The following federal laws in effect on April 1, 1982, have been adopted by the state: federal insecticide, fungicide, and rodenticide act (U.S.C., title 7, chapter 6); federal food additive regulations (C.F.R., title 21, parts 170-199); federal color additive regulations (C.F.R., title 21, parts 70-82); federal special dietary use regulations (C.F.R., title 21, parts 104-105); fair packaging and labeling act regulations (U.S.C., title 15, sections 1451 et seq., and C.F.R., title 15, sections 1451-1461); and federal regulations contained in C.F.R., title 21, parts 0-1299).

Investigation of Food Processors. [M.S. § 17.045] The commissioner may investigate complaints relating to the production, processing, or handling of meat, fish, poultry, dairy, or other food products.

Organic Food. [M.S. §§ 31.92-31.94] Food that is marketed using the term organic must be grown without the use of synthetic fertilizers, pesticides, and other additives. The commissioner must investigate and enforce provisions relating to organic food.

Unsanitary Conditions. [M.S. §§ 31.161-31.165] An unsanitary condition in any place that stores, serves, or handles food must be made clean and sanitary within a reasonable time of not less than two days.

Water and Sewerage at Food Facilities. [M.S. § 31.175] A person subject to food regulation may not manufacture, process, sell, or store food at wholesale or retail unless the water supply to the facility is satisfactory under plumbing codes adopted by the department of health and the sewage disposal system complies with the rules of the pollution control agency.

#### FOOD PROCESSING

Canneries. [M.S. §§ 31.31-31.393] Commercial canneries are subject to the regulation of the commissioner of agriculture. Commercial canneries are subject to inspections and assessments for the inspections. Commercial canning of food products is not permitted in a house or dwelling or in the basement of any building.

Food Salvage. [M.S. §§ 31.495-31.50] A person may not operate as a food salvage processor without meeting the minimum regulatory requirements and obtaining a license. Salvage food may not be sold for human food, animal feed, or seed unless the commissioner has examined the distressed food and determined it needs to be salvaged.

A person who donates or collects food for a charitable organization for distribution to the elderly or needy without charge is not liable for injury resulting from ingesting the distressed food unless the injury is caused by recklessness, intentional misconduct, or gross negligence.

Frozen Food Processing Plants. [M.S. § 31.185] Frozen food processing plants must be licensed. Food may not be stored in a refrigerated locker unless it meets the requirements of law except labeling requirements.

#### GRAIN

Discrimination in Sale or Purchase of Grain Forbidden. [M.S. § 235.10] Grain may not be bought or sold with the intention of creating a monopoly or destroying the business of a

competitor. Transactions may not be made that discriminate between different sections, localities, or communities of this state by differentiating in the price paid for grain except by allowing a difference, if any, for the actual cost of transportation from the locality of purchase. Discrimination in grain purchases is punishable by a fine up to \$700 or imprisonment not to exceed six months.

Grain Banks. [M.S. §§ 236.01-236.09] A person must obtain a license to obtain a grain bank. A grain bank is a feed processing plant that receives and stores grain, processes the grain, and returns it to the owner after adding prescribed ingredients. The operator of a grain bank must insure the grain stored and protect a person's grain who has deposited it, from improper commingling.

Grain Buyers. [M.S. §§ 223.15-223.22] The commissioner is directed to supervise and license grain buyers. Grain buyers are required to be bonded to specified levels. In general, for a cash sale a seller is to be paid by the buyer in cash or check for at least 80 percent of the value of the grain by 48 hours after the shipment is received or the close of the next business day, whichever is later. A transaction that is not a cash sale constitutes a voluntary extension of credit that is not afforded protection under the grain buyer's bond. When grain is purchased by a voluntary extension of credit, a specified contract must be signed and procedures must be followed.

Grain Weighing, Sampling, and Analysis. [M.S. §§ 17B.01-17B.29] The commissioner of agriculture is directed to supervise and administer the inspection, grading, weighing, and sampling of grain within the state. A board of grain standards is established to set grades for grain and determine the grade and dockage of all grain if appeals are made from the decisions of the chief grain inspector.

Sale of Chemically Treated Grain Prohibited. [M.S. §§ 17.41-17.44] It is unlawful to sell grain that contains toxic chemicals that are harmful to humans or animals.

Supervision Over Grain. [M.S. § 235.01] The department of agriculture shall exercise general supervision over the grain interests of the state and of buying, selling, handling, and storage of grain and of the management of public warehouses, public grain markets, chambers of commerce, boards of trade, grain exchanges, and investigate complaints, cases of fraud, unfair practices, or unfair discrimination in the buying and selling of grain. The department of agriculture has the authority to discontinue unfair practices and unfair discrimination and to make rules to carry out and enforce the provisions of all laws of the state regarding grain.

## HAZARDOUS SUBSTANCE LABELING

Hazardous Substances Labeling. [M.S. §§ 24.32-24.42] A person may not sell mislabeled packages of a hazardous substance, alter or remove the label on a container of hazard substance, or reuse a food, drug, or cosmetic container still bearing original labels or characteristics as containers for hazardous substances. The commissioner must issue a stop-sale or removal order for any mislabeled hazardous substances and publish reports summarizing judgments, decrees, or court orders regarding violations of the hazardous substance labeling provisions. The commissioner must also disseminate information regarding hazardous substances in situations that involve an imminent danger to health.

## LINSEED OIL

Linseed Oil. [M.S. § 24.12] Linseed oil must be classified as pure linseed oil, raw linseed oil, or linseed replacement oil. The different linseed oils must be distinguished and sold with the distinguishing labels. Linseed replacement oil may not be sold in this state.

## LIVESTOCK

Board of Animal Health. [M.S. §§ 35.01-35.05] The state board of animal health has the authority to quarantine or kill domestic animals infected or exposed to contagious and infectious, dangerous diseases.

Market Agencies and Livestock Dealer Licensing. [M.S. §§ 17A.01-17A.17] Livestock market agencies and livestock dealers are required to have licenses. Provisions are made for state livestock weighing at certain sale areas.

Livestock Brands. [M.S. §§ 35.821-35.831] The board of animal health must register brands for marking livestock. Brands must be published in the state brand book. Brands on livestock are prima facie evidence of ownership and must be recorded on the sale or purchase of branded animals.

Livestock Disease. [M.S. §§ 35.06-35.255] Persons who have reasons to believe that a disease exists in any domestic animal must notify the board of animal health. Animals that are slaughtered because of tuberculosis, paratuberculosis, or brucellosis must be indemnified for a portion of the animal by the state. Transportation companies may not transport livestock except under rules of the board of animal health. Breeding cattle must have a health certificate that they are not infected with anaplasmosis. The board of animal health must adopt rules to implement the program to control pseudorabies in swine.

Livestock Feed - Garbage. [M.S. §§ 35.73-35.80] Garbage may not be fed to livestock or poultry until it has been heated

or treated in a manner that protects the public health and controls livestock diseases.

Livestock Transportation. [M.S. § 35.81] The board of animal health must adopt rules for cleaning and disinfecting transportation vehicles and for transportation of livestock on public highways and roads.

Rendering Plants. [M.S. § 35.82] A person may not engage in the business of rendering animals without first obtaining a permit from the board of animal health.

## MEATS

Horse Meat. [M.S. §§ 31.621-31.631] Horse meat may not be sold for human consumption unless a conspicuous sign is posted stating "horse meat sold here." Horse meat intended for other than human consumption must be clearly marked or labeled.

Meat or carcasses of horses, mules, or other equines may not be sold or transported in intrastate commerce unless it is plainly marked to show the kind of animal the meat came from. Horse and mule meat must be prepared in separate establishments from other meats.

Meat Inspection and Sale. [M.S. §§ 31A.01-31A.31] The commissioner must have inspectors examine animals before they enter slaughtering, packing, and rendering establishments where the meat of the animals will be used solely in intrastate commerce. Diseased animals must be set apart and further inspected. The meat must be marked as either inspected and passed or inspected and condemned.

A person may not sell, transport, or slaughter meat used in intrastate commerce that are capable of use as human food that is adulterated or misbranded.

A person may not engage in the business relating to intrastate commerce as a meat broker, renderer, or animal food manufacturer or as a wholesaler of carcasses or their parts or in dead, dying, disabled, or diseased animals that died other than by slaughter unless the person is registered with the commissioner. The commissioner shall prescribe rules to prevent unwholesome meat products from being used as human food.

The commissioner must cooperate with the United States secretary of agriculture to implement the provisions of the federal inspection act.

Meats. [M.S. §§ 31.60-31.633] A meat industry division is established in the department of agriculture. Meats must be protected from dust, flies, and other substances that may cause injury. The commissioner may authorize a Minnesota approved

meats label. Eating establishments must properly indicate any meat entrees that contain filler or meat substitutes.

Small Animals. [M.S. §§ 31.601-31.602] A person may not offer or expose for sale at retail domestic or wild fowl, rabbits, squirrels, or other small animals for human consumption unless the entrails, viscera, and other offensive parts are removed.

Veal. [M.S. § 31.611] Veal of calves killed when less than four weeks old may not be sold.

#### PACKING HOUSES AND SLAUGHTERING

Livestock Slaughter. [M.S. §§ 31.59-31.592] Livestock must be slaughtered by humane methods.

Packing House Certificates. [M.S. §§ 226.01-226.06] A person engaged in the slaughter of cattle, sheep, or hogs and dealing in the products of those animals may issue warehouse certificates for any of the commodities being stored and may sell or assign certificates. The issuance of the certificates is subject to certain requirements. Violation of requirements regarding certificates is punishable by a felony.

Slaughter Houses and Packing Plants. [M.S. §§ 31.51-31.58] Licensed packing plants and slaughter houses must kill and bleed each animal that is eviscerated in the establishment. Animals that are in a dying condition when killed or animals that have died as a result of accident or natural causes may not be accepted by a food handling operation. Meat, poultry, and rabbits may not be sold or processed unless the product has been slaughtered or processed in licensed establishments.

#### PAINT AND VARNISH

Paint and Varnish Law. [M.S. §§ 24.131-24.175] Paint, varnish, paint oil, and solvents must be properly labeled before sale.

#### PLANTS AND PLANT PEST CONTROL

Barberry and Mahonia Bushes. [M.S. §§ 18.331-18.335] Barberry and mahonia bushes are rust-producing and a public nuisance. The propagation, sale, or introduction of barberry or mahonia bushes into the state is forbidden and the commissioner must eradicate all existing mahonia or barberry bushes.

Conservation of Wildflowers. [M.S. § 17.23] Buying or selling of ladyslippers, orchids, lotus, gentian, arbutus, or lilies is prohibited without permission of the commissioner.

Dutch Elm and Oak Wilt Disease Control in the Metropolitan Area. [M.S. § 18.023] The commissioner of agriculture is

directed to adopt rules for shade disease control for municipalities in the metropolitan area. Rules apply in the municipality unless the municipality adopts an ordinance that is determined by the commissioner to be more stringent. The commissioner is authorized to make grants to municipalities and must report to the legislature on the disease control programs and experimental programs to treat shade tree diseases.

Fertilizer, Soil, and Plant Amendments. [M.S. §§ 17.711-17.729] The commissioner of agriculture is directed to administer regulation, registration, licensing, and labeling of fertilizers, soil amendments, and plant amendments.

Forest Pest Control. [M.S. §§ 18.341-18.423] The commissioner of agriculture is directed to determine when and where measures should be taken to control forest pests. The cost for the pest control may be assessed against the property where the pest control measures are applied.

Hemp. [M.S. §§ 18.321-18.323] Hemp may only be grown for commercial uses, such as rope, sacks, yarn, thread, and other products made from fiber. A license is required from the commissioner before hemp is grown.

Noxious Weeds. [M.S. §§ 18.171-18.315] The commissioner of agriculture is directed to enforce laws relating to noxious weed control. It is the duty of every occupant or property owner to destroy all noxious weeds growing on the property as directed by the commissioner. Local weed inspectors are authorized to inspect and control noxious weeds.

Nursery Stock Inspection. [M.S. §§ 18.49-18.61] A person may not sell, or offer any nursery stock which has not been inspected and found free of plant pests within the preceding 12 months. A person who operates a nursery must obtain a certificate of inspection from the commissioner. A person who sells plants to a nursery must also obtain a dealer certificate before offering nursery stock for sale. The commissioner may inspect greenhouses and certify them as being free from plant pests.

Pest Control Compact. [M.S. §§ 18.62-18.71] The interstate pest control compact provides cooperation among states enacting the compact to eradicate and control pests. The compact establishes an insurance fund for financing pest control operations that are not normal. The insurance fund is comprised of money appropriated to it by party states and by donations and grants. The compact administrator for Minnesota is the commissioner of agriculture.

Pesticide Control. [M.S. §§ 18A.21-18A.28] Pesticides that are offered for sale, sold, or distributed in the state must be registered with the commissioner of agriculture. Registration must be renewed annually. A person offering for sale or

distributing pesticides to an ultimate user must obtain a pesticide dealer's license. In addition, commercial applicators, structural pest control applicators, and noncommercial applicators must obtain a license to apply or use restricted use pesticides.

The commissioner is authorized to use appropriate procedures to contain and control pesticides involved in an emergency that is likely to cause adverse effects to the environment.

Plant Pest Control. [M.S. §§ 18.44-18.61] The commissioner is authorized to inspect any place that may contain plant pests and require the owner to destroy or treat the plant or plant pests. If the owner fails to control the plant pest, the commissioner may do so and recover the expenses from the landowner.

White-pine Blister Rust Control. [M.S. §§ 18.431-18.436] White pines, currants, or gooseberries that are infected with white-pine blister rust are a public nuisance and may be destroyed by the order of the commissioner. The commissioner may levy the cost of the control measures against property where they are used.

#### POULTRY AND EGGS

Eggs. [M.S. §§ 29.21-29.28] Eggs may not be sold at retail until they have been properly handled and graded and labeled accordingly. The sale of eggs for human consumption that are inedible, adulterated, filthy, putrid, decomposed, or that contain black rots, white rots, mixed rots, or sour eggs with green whites, eggs with stuck yolks, moldy eggs, musty eggs, eggs showing blood rings, eggs containing embryo chicks, or any other eggs that are filthy or decomposed is forbidden.

Egg dealers must obtain a license. The commissioner must establish rules and regulations for grading and dealing in eggs to protect the public health and enforce those provisions.

Poultry. [M.S. §§ 29.001-29.205] The commissioner may adopt plans for owners of poultry flocks to have their flocks culled, inspected, and supervised to improve egg quality and production. The commissioner of agriculture may prescribe terminology used for literature, advertising, and shipping labels. A quality egg fund is established to collect fees and pay for expenses of the program.

The board of animal health has jurisdiction over matters pertaining to poultry diseases and their control.

Certain poultry products must be uniformly labeled as prescribed by the commissioner. A person may not advertise or use labels that use the word "state" or "Minnesota" except under authority of the commissioner. Advertising that uses the

prescribed terms and forms may be subject to the commissioner's review and approval. Persons purchasing chickens, turkeys, or other domestic fowl must keep a complete record of the transactions.

## SEEDS

Potato Seeds. [M.S. §§ 21-111-21.122] The commissioner is directed to inspect, certify, and promote the quality, creation of demand, and sale of seed potatoes. The commissioner may establish a fund comprising of inspection and certification fees to pay the expenses of implementing the potato seed promotion.

Seeds. [M.S. §§ 21.80-21.92] The commissioner must establish and maintain a laboratory for seed testing and inspection. The commissioner must enforce violations of seed law. Each variety of hybrid seed corn must be registered with the commissioner of agriculture and the agriculture experiment station must determine and identify the corn growing zones and the growing days necessary for the corn varieties. The seed inspection fund is established to pay for seed inspection and enforcement.

Weed Seed Control. [M.S. §§ 21.71-21.78] A person may not sell or transport to a consumer for feeding purposes any weed seed infested agricultural seeds, grains, or screenings. The commissioner of agriculture is directed to enforce and investigate weed seed infested agricultural seeds, grains, and screenings.

## WAREHOUSING AND STORAGE

Cold Storage. [M.S. §§ 28.01-28.15] A person may not keep food in cold storage unless the food is plainly marked to indicate its contents. Food may not be kept in a cold storage warehouse for more than 12 months unless approved by the commissioner. After food has been withdrawn from a cold storage warehouse for purposes of sale, it may not be returned to a cold storage warehouse. However, food may be transferred from one cold storage warehouse or refrigerating plant to another.

Delivery of Grain for Storage A Bailment. [M.S. § 235.07] Delivery of grain to any warehouse operator for storage, although it is mingled with the grain of others or shipped or removed from the original place of storage, is a bailment and not a sale.

Public Grain Warehouses. [M.S. §§ 232.120-232.25] Public grain warehouse operators must obtain a license and provide a bond for its operation. A public grain warehouse operator must receive for storage and tender all grain in warehousable condition without discriminating against the person tendering the grain. The operator must issue a scale ticket for each load of grain received. Grain delivered to a public grain warehouse is

considered sold at the time of delivery unless other arrangements have been made prior to or at the time of delivery.

Public Terminal Warehouses. [M.S. §§ 233.01-233.33] Public terminal warehouses must receive a license from the department of agriculture to operate. A public terminal warehouse includes all elevators or warehouses located within the switching limits of St. Paul, Minneapolis, and Duluth, or other points of the state that are designated as terminal points. The department is directed to make rules necessary regarding the receipt, care, and delivery of grain, and warehouse receipts at public terminal warehouses. A public terminal warehouse operator must receive for storage and shipment all grain in suitable condition without discrimination of any kind. The grain must be inspected on receipt and stored with other grain of the same grade except as specifically allowed. At the request of the owner or consignee, grain must be stored in a separate warehouse or bin. Rates must be published annually during the first week of July. All railroad companies, warehouse operators, and millers operating at terminal points must furnish ample and sufficient police protection to protect all cars containing grain that are in their possession.

Railroad Right-of-Way Use for Public Warehouses, Elevators, Livestock Stations, and Coal Sheds. [M.S. §§ 230.09-230.11] A person or corporation has the right to use a portion of the right-of-way of any railroad outside the switches for a public elevator, warehouse, coal shed, ice house, buying station, selling station, weighing scales, or to store or distribute any article of commerce after paying reasonable compensation. If a person or corporation cannot reach an agreement with the railroad on the amount of ground space to be used or if facilities are already provided for the compensation to be paid for the space, the person or corporation may petition the department of agriculture for a determination. The department of agriculture has the authority to designate the amount of space and reasonable annual compensation to be paid for the space.

Storage of Grain on Farms. [M.S. §§ 234.01-235.27] The department of agriculture is directed to make rules and procedures to allow grain to be stored on farms with adequate protection. The department is authorized to appoint local supervisory boards. All land owners are eligible to store grain on their farms.

The commissioner is directed to appoint local sealers to supervise the storage of grain, inspect, and issue certificates for stored grain. The requirements are given for issuance and negotiability of storage certificates.

Warehouses. [M.S. §§ 231.01-231.39] The department of agriculture has general supervision over all warehouse operators. The department has the authority to inspect books, property, and warehouses and is directed to enforce the provisions of the

constitution and statutes of the state affecting warehouse operators. Warehouse rates are regulated by the department of agriculture and a warehouse operator must obtain a license and provide a bond to operate.

#### WEATHER AND MODIFICATION

Weather Modification. [M.S. §§ 42.01-42.14] The state claims its sovereign right to use moisture in the clouds and atmosphere for best interests of its residents. The commissioner of agriculture has authority to conduct research and issue licenses for weather modification. After approval from the commissioner, counties may conduct programs for weather modification.

#### WHOLESALE PRODUCE

Wholesale Produce. [M.S. §§ 27.001-27.20] Produce includes perishable fruits and vegetables, milk and cream, poultry, wool, and perishable feed. Produce also includes decorative forest products and the products of farms and waters of this state. Wholesale produce dealers, except a wool dealer, may not represent themselves as being in the business of a dealer at wholesale unless the person is licensed and bonded by the commissioner of agriculture.

The commissioner may establish grades on all produce and must provide for inspecting and grading produce subject to sale at marketing points within the state. A person handling produce, except cheese and butter, may designate a brand or label and file it with the commissioner of agriculture.

#### WOOD ALCOHOL

Wood Alcohol. [M.S. §§ 24.18-24.181] Wood alcohol may not be sold or possessed with intent to sell unless the wood alcohol container is plainly marked with letters not less than one inch in length with the words "Wood naphtha, poison".

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