

(1) dewatering will not be permitted to continue if it is determined to, in any way, adversely affect the health or natural status of a calcareous fen; and

(2) at a minimum, the groundwater source for the fen must be maintained at its natural level and its appropriate chemical and temperature characteristics.

(b) The adverse effects will be determined by the commissioner of natural resources.

If the adverse effects occur, the metropolitan waste control commission must have in place an emergency contingency plan to provide for the safety of the affected fens.

Sec. 3. EFFECTIVE DATE.

This act is effective the day following final enactment.

Presented to the governor April 3, 1990

Signed by the governor April 5, 1990, 9:20 p.m.

CHAPTER 407—H.F.No. 2305

An act relating to agriculture; providing requirements for light butter, reduced fat cheese, light cheese, frozen yogurt, frozen low-fat yogurt, frozen nonfat yogurt, reduced-fat ice cream, low-fat ice cream, and nonfat ice cream; amending Minnesota Statutes 1988, sections 32.471, subdivision 1; 32.481; and 32.55, subdivision 2, and by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 32.

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

Section 1. Minnesota Statutes 1988, section 32.471, subdivision 1, is amended to read:

Subdivision 1. **PROHIBITION.** No A person shall may not manufacture for sale, or sell, or have in possession with intent to sell, ~~any~~:

(1) dairy or creamery butter which that contains less than 80 percent butterfat by weight; or which has been manufactured from milk or cream which that has not been pasteurized in accordance with the provisions of sections 32.391 and 32.392; provided that nothing in this section shall be construed as prohibiting the manufacture, sale, or distribution of butterfat spreads with a lower butterfat content so long as such spreads are packaged and contain all dairy products and labeled so as to disclose the butterfat and other ingredient content and distinguish them from butter, in accordance with rules of the commissioner or

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(2) light butter that does not meet the requirements of section 2.

Sec. 2. [32.474] LIGHT BUTTER.

Subdivision 1. DEFINITION. "Light butter" means a food produced to resemble butter that contains 52 percent butterfat, with one-third fewer calories, made from milk or cream, or both, that has been pasteurized in accordance with sections 32.391 and 32.392, that may contain one or more of the optional dairy ingredients described in subdivision 3, and that may contain other optional ingredients described in subdivision 4.

Subd. 2. VITAMIN A ADDED. Light butter must have vitamin A added, if necessary, to provide 15,000 international units per pound within limits of good manufacturing practices.

Subd. 3. DAIRY INGREDIENTS. Light butter may contain the following dairy ingredients: part skim milk, skim milk, buttermilk, whey, and whey-derived ingredients.

Subd. 4. OTHER INGREDIENTS. Light butter may contain the following optional ingredients: water, salt or salt substitutes, bacterial cultures, nutritive sweeteners, emulsifiers and stabilizers, safe and suitable color additives, natural flavors, and safe and suitable ingredients that improve texture, prevent syneresis, or extend the shelf life of the product.

Sec. 3. Minnesota Statutes 1988, section 32.481, is amended to read:

32.481 CHEESE.

Subdivision 1. DEFINITION. The term "Cheese" as used in sections 32.481 to 32.485; shall include includes all varieties of cheese, cheese spreads, cheese foods, cheese compounds, or processed cheese, made or manufactured in whole or in part from cow's, goat's, or sheep's milk.

Subd. 2. REDUCED FAT CHEESE; LIGHT CHEESE. (a) "Reduced fat cheese" or "light cheese" is a product prepared from milk and other ingredients by the processing procedures set by rule or by an alternate procedure that produces a finished cheese having the same or substantially the same flavor, body, and texture characteristics as the referenced standardized variety on the labels of the reduced fat cheese.

(b) Reduced fat cheese must contain at least one-third less than the minimum milkfat content required of the referenced standardized variety. The moisture content of the reduced fat cheese must not exceed 125 percent of the maximum allowable moisture of the referenced standardized variety. The principal display panel must bear the name "reduced fat cheese" or "light cheese." the blank to be filled with the varietal name of the referenced standardized cheese all in the same size type. The principal display panel must also contain a statement declaring the amount of fat reduction as a percentage or fraction of the referenced standardized variety in a type size not less than

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one-half that of the name of the reduced fat cheese. All other label information must be as stated in section 32.483 or as required by Code of Federal Regulations, title 21, and as adopted by rule.

Sec. 4. Minnesota Statutes 1988, section 32.55, subdivision 2, is amended to read:

Subd. 2. **FROZEN FOOD.** "Frozen foods" means ice cream, frozen custard, French ice cream, French custard ice cream, ice milk, fruit sherbets, water ices, frozen malted milk, frozen milk shakes, frozen malts, frozen yogurt, frozen low-fat yogurt, frozen nonfat yogurt, reduced-fat ice cream, low-fat ice cream, nonfat ice cream, or any frozen food for which the commissioner has established a standard of identity, but shall not include frozen vegetables, fruits, meats, poultry, or bakery products.

Sec. 5. Minnesota Statutes 1988, section 32.55, is amended by adding a subdivision to read:

Subd. 14. **FROZEN YOGURT; FROZEN LOW-FAT YOGURT; FROZEN NONFAT YOGURT.** "Frozen yogurt," "frozen low-fat yogurt," or "frozen nonfat yogurt" means a frozen dairy food made from a mix containing safe and suitable ingredients including, but not limited to, milk products. All or a part of the milk products must be cultured with a characterizing live bacterial culture that contains the lactic acid producing bacteria Lactobacillus bulgaricus and Streptococcus thermophilus and may contain other lactic acid producing bacteria.

Sec. 6. Minnesota Statutes 1988, section 32.55, is amended by adding a subdivision to read:

Subd. 15. **REDUCED-FAT ICE CREAM.** "Reduced-fat ice cream" means a frozen food that is made from the same ingredients and in the same manner as for ice cream except that:

(1) milkfat content is more than two percent but not more than seven percent;

(2) total milk solids content per gallon before the addition of bulky flavors is not less than .46 pounds and not less than 1.3 pounds of food solids per gallon; and

(3) the weight per gallon is not less than 4.0 pounds.

Sec. 7. Minnesota Statutes 1988, section 32.55, is amended by adding a subdivision to read:

Subd. 16. **LOW-FAT ICE CREAM.** "Low-fat ice cream" means a frozen food that is made from the same ingredients and in the same manner as ice cream except that:

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(1) milkfat content is more than 0.5 percent but not more than 2.0 percent;

(2) total milk solids content per gallon before the addition of bulky flavors is not less than .49 pounds and not less than 1.3 pounds of total food solids per gallon; and

(3) the weight per gallon is not less than 4.0 pounds.

Sec. 8. Minnesota Statutes 1988, section 32.55, is amended by adding a subdivision to read:

Subd. 17. NONFAT ICE CREAM. "Nonfat ice cream" means a frozen food that is made from the same ingredients and in the same manner as for ice cream except that:

(1) milkfat content is less than 0.5 percent;

(2) total milk solids content per gallon before the addition of bulky flavors is not less than .45 pounds and not less than 1.3 pounds of total food solids per gallon; and

(3) the weight per gallon is not less than 4.0 pounds.

Sec. 9. **[32.55] COMPLIANCE WITH FEDERAL REGULATIONS.**

(a) Frozen yogurt, frozen low-fat yogurt, and frozen nonfat yogurt must comply with Code of Federal Regulations, title 21, and sections 32.55 to 32.90.

(b) Reduced-fat ice cream, low-fat ice cream, and nonfat ice cream must comply with the frozen dessert provisions in Code of Federal Regulations, title 21, part 135.

Sec. 10. **EFFECTIVE DATE.**

Section 8 and section 9 as it applies to nonfat ice cream are effective January 1, 1991.

Presented to the governor April 3, 1990

Signed by the governor April 6, 1990, 11:02 a.m.

CHAPTER 408—H.F.No. 2321

An act relating to consumer protection; requiring an itemized statement for certain automobile purchase price refunds; amending Minnesota Statutes 1988, sections 325F.662, subdivision 8; and 325F.665, subdivisions 3 and 6.

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