

## CHAPTER 131—S.F.No. 543

*An act relating to agriculture; changing certain license requirements; clarifying certain terms; repealing the interstate compact on agricultural grain marketing; amending Minnesota Statutes 1996, sections 17A.04, subdivision 1; 18B.30; 18B.36, subdivision 1; 231.01, subdivision 5; 236.01, subdivision 3; and 236.02, subdivisions 1 and 2; repealing Minnesota Statutes 1996, sections 236A.01; and 236A.02.*

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

Section 1. Minnesota Statutes 1996, section 17A.04, subdivision 1, is amended to read:

Subdivision 1. **LICENSING PROVISIONS.** Licenses shall be issued to livestock market agencies and public stockyards annually and shall expire on December 31 each year, renewable annually thereafter. A separate license must be obtained for each separate geographical location even though operated under the same management or same person, partnership, firm, corporation, or livestock market. The license issued to a livestock market agency and public stockyard shall be conspicuously posted at the licensee's place of business. Licenses shall be required for livestock dealers and their agents for the period beginning July 1 each year and ending June 30. The license issued to a livestock dealer or the agent of a livestock dealer shall be carried by the person so licensed. The livestock dealer shall be responsible for the acts of the dealer's agents. Licensed livestock market agencies, public stockyards, and livestock dealers shall be responsible for the faithful performance of duty of the public livestock weighers at their places of business. The license issued to a livestock market agency, public stockyard or livestock dealer or agent of a livestock dealer is not transferable. The operation of livestock market agencies, livestock dealers, agents and packers at a public stockyard are exempt from sections 17A.01 to 17A.091, and 17A.12 to 17A.17.

Sec. 2. Minnesota Statutes 1996, section 18B.30, is amended to read:

## 18B.30 PESTICIDE USE LICENSE REQUIREMENT.

A person may not use or supervise the use of a restricted use pesticide without a license or certification required under sections 18B.29 to 18B.35 and the use may only be done under conditions prescribed by the commissioner.

Sec. 3. Minnesota Statutes 1996, section 18B.36, subdivision 1, is amended to read:

Subdivision 1. **REQUIREMENT.** (a) Except for a licensed commercial or non-commercial applicator, only a certified private applicator may use a restricted use pesticide to produce an agricultural commodity:

- (1) as a traditional exchange of services without financial compensation; or
- (2) on a site owned, rented, or managed by the person or the person's employees; or
- (3) when the private applicator is one of two or fewer specified individuals employed as agricultural labor as defined by section 268.04, subdivision 12, paragraph (15), clause (a), and the owner or operator is a certified private applicator or is licensed as a noncommercial applicator.

New language is indicated by underline, deletions by ~~strikeout~~.

(b) A private applicator may not purchase a restricted use pesticide without presenting a certified private applicator card or the card number.

Sec. 4. Minnesota Statutes 1996, section 231.01, subdivision 5, is amended to read:

Subd. 5. **WAREHOUSE OPERATOR.** The term "warehouse operator," as used in this chapter, means and includes every corporation, company, association, joint stock company or association, firm, partnership, or individual, their trustees, assignees, or receivers appointed by any court, controlling, operating, or managing within this state directly or indirectly, any building or structure, or any part thereof, or any buildings or structures, or any other property, and using the same for the storage or warehousing of goods, wares, or merchandise for compensation, or who shall hold itself out as being in the storage or warehouse business, or as offering storage or warehouse facilities, or advertise for, solicit or accept goods, wares, or merchandise for storage for compensation, but shall not include persons, corporations, or other parties operating open air storage facilities containing minerals, ores, steel, or rock products such as, but not limited to, aggregates, clays, railroad ballast, iron ore, copper ore, nickel ore, limestone, coal, and salt or operating grain or cold storage warehouses, or storing on a seasonal basis boats, boating accessories, recreational vehicles or recreational equipment or facilities in which the party storing goods rents and occupies space as a tenant and the entire risk of loss is with the tenant pursuant to written contract between the landlord and tenant.

Sec. 5. Minnesota Statutes 1996, section 236.01, subdivision 3, is amended to read:

Subd. 3. **GRAIN BANK.** "Grain bank" means a feed-processing plant that receives and stores grain, the equivalent of which, except as is otherwise permitted by section 236.04, it processes and returns to the grain's owner in amounts, at intervals, and with added ingredients that are mutually agreeable to the grain's owner and the person operating the plant. "Grain bank" does not include a seed cleaning plant.

Sec. 6. Minnesota Statutes 1996, section 236.02, subdivision 1, is amended to read:

Subdivision 1. **LICENSING REQUIREMENT.** A person who (1) operates an establishment that processes grain into feed and (2) is licensed to buy grain as a public or private local grain warehouse operator under section ~~232.22~~ 223.17 may obtain a license to operate a grain bank. A person licensed under section 232.22 to operate a public grain warehouse is not required to obtain a separate grain bank license. No person may conduct a grain bank without a grain bank license or a public grain warehouse operator's license.

Sec. 7. Minnesota Statutes 1996, section 236.02, subdivision 2, is amended to read:

Subd. 2. **ISSUANCE.** A grain bank license must be obtained from the department. The department may issue a grain bank license when the applicant has complied with the bond requirements of sections 236.01 to 236.09. A grain bank license is required in addition to a license to buy grain as a public or private local grain warehouse operator and permits the licensee to conduct a grain bank in accordance with sections 236.01 to 236.09.

Sec. 8. **REPEALER.**

Minnesota Statutes 1996, sections 236A.01; and 236A.02, are repealed.

New language is indicated by underline, deletions by ~~strikeout~~.

**Sec. 9. EFFECTIVE DATE.**

Section 4 is effective the day following final enactment.

Presented to the governor May 8, 1997

Signed by the governor May 9, 1997, 8:30 a.m.

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**CHAPTER 132—S.F.No. 1722**

*An act relating to professions and occupations; defining and regulating pharmacy technicians; amending Minnesota Statutes 1996, sections 151.01, by adding a subdivision; and 151.06, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 151.*

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

Section 1. Minnesota Statutes 1996, section 151.01, is amended by adding a subdivision to read:

Subd. 15a. PHARMACY TECHNICIAN. The term "pharmacy technician" means a person not licensed as a pharmacist or a pharmacist intern, who assists the pharmacist in the preparation and dispensing of medications by performing computer entry of prescription data and other manipulative tasks. A pharmacy technician shall not perform tasks specifically reserved to a licensed pharmacist or requiring professional judgment.

Sec. 2. Minnesota Statutes 1996, section 151.06, subdivision 1, is amended to read:

Subdivision 1. **GENERALLY; RULES. (a) POWERS AND DUTIES.** The board of pharmacy shall have the power and it shall be its duty:

- (1) to regulate the practice of pharmacy;
- (2) to regulate the manufacture, wholesale, and retail sale of drugs within this state;
- (3) to regulate the identity, labeling, purity, and quality of all drugs and medicines dispensed in this state, using the United States Pharmacopeia and the National Formulary, or any revisions thereof, or standards adopted under the federal act as the standard;
- (4) to enter and inspect by its authorized representative any and all places where drugs, medicines, medical gases, or veterinary drugs or devices are sold, vended, given away, compounded, dispensed, manufactured, wholesaled, or held; it may secure samples or specimens of any drugs, medicines, medical gases, or veterinary drugs or devices after paying or offering to pay for such sample; it shall be entitled to inspect and make copies of any and all records of shipment, purchase, manufacture, quality control, and sale of these items provided, however, that such inspection shall not extend to financial data, sales data, or pricing data;
- (5) to examine and license as pharmacists all applicants whom it shall deem qualified to be such;
- (6) to license wholesale drug distributors;

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