

CHAPTER 24

CHEMICAL COMPOUNDS

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24.001 DEFINITION.

Subdivision 1. Except where the context otherwise indicates, for the purposes of this chapter, the terms defined in this section have the meanings given them.

Subd. 2. "Commissioner" means the commissioner of the department of agriculture.

History: 1961 c 113 s 1; 1961 c 128 s 8

ENFORCEMENT OF CHAPTER

24.002 ENFORCEMENT.

The commissioner is charged with the proper enforcement of all the provisions of this chapter.

History: 1907 c 421 s 5; 1909 c 62 s 6; 1915 c 335 s 5; 1925 c 187 s 5 (3894, 3905, 3906-5, 3942)

24.01 [Repealed, Ex1961 c 58 s 12]

24.02 Subdivision 1. [Obsolete]

Subd. 2. [Repealed, Ex1961 c 58 s 12]

Subd. 3. [Repealed, Ex1961 c 58 s 12]

Subd. 4. [Renumbered 31.401]

Subd. 5. [Repealed, 1961 c 231 s 11]

Subd. 6. [Renumbered 24.069 subdivision 2]

Subd. 7. [Renumbered 24.069 subdivision 3]

Subd. 8. [Renumbered 24.069 subdivision 4]

Subd. 9. [Renumbered 24.069 subdivision 5]

Subd. 10. [Renumbered 24.069 subdivision 6]

Subd. 11. [Renumbered 24.069 subdivision 7]

Subd. 12. [Renumbered 24.069 subdivision 8]

Subd. 13. [Renumbered 24.069 subdivision 9]

Subd. 14. [Renumbered 24.069 subdivision 10]

Subd. 15. [Renumbered 24.069 subdivision 11]

Subd. 16. [Renumbered 24.069 subdivision 12]

Subd. 17. [Renumbered 24.069 subdivision 13]

- 24.03 [Repealed, Ex1961 c 58 s 12]
- 24.04 [Repealed, Ex1961 c 58 s 12]
- 24.05 [Repealed, Ex1961 c 58 s 12]
- 24.06 [Repealed, Ex1961 c 58 s 12]
- 24.069 [Repealed, 1976 c 53 s 29]
- 24.07 [Repealed, 1945 c 427 s 11]
- 24.071 [Repealed, 1976 c 53 s 29]
- 24.072 [Repealed, 1976 c 53 s 29]
- 24.0721 [Repealed, 1976 c 53 s 29]
- 24.073 [Repealed, 1976 c 53 s 29]
- 24.074 [Repealed, 1976 c 53 s 29]
- 24.075 [Repealed, 1976 c 53 s 29]
- 24.076 [Repealed, 1976 c 53 s 29]
- 24.077 [Repealed, 1976 c 53 s 29]
- 24.08 [Repealed, 1945 c 427 s 11]
- 24.09 [Repealed, 1945 c 427 s 11]
- 24.10 [Repealed, 1945 c 427 s 11]
- 24.11 [Repealed, 1945 c 427 s 11]

LINSEED OIL, PAINT, WOOD ALCOHOL

24.12 LINSEED OIL.

Subdivision 1. **Definitions.** Pure linseed oil shall be defined as the oil obtained wholly from the seeds of the flax plant and containing no added ingredient. Boiled linseed oil shall be defined as pure linseed oil with so-called dryers added thereto, to an amount not exceeding three per cent of the total product. Pure linseed oil, as distinguished from boiled linseed oil, shall be known as raw linseed oil. Linseed replacement oil shall be defined as oil complying with the specifications for linseed replacement oil as provided by specifications of the United States dated May 1, 1943, approved for use of all departments and establishments of the Federal Government, and as the same may be written from time to time hereafter. If designed or offered for sale or use as either pure linseed oil, boiled linseed oil or linseed replacement oil, or as a substitute for any of them, or in imitation or any of them, any substance or preparation which is not included in the respective definitions thereof shall be deemed adulterated, and the manufacture thereof for sale within the state or the sale thereof within the state is prohibited. No person shall sell pure linseed oil, boiled linseed oil or linseed replacement oil unless each receptacle in which the same is kept for sale or sold shall have distinctly, legibly and durably painted, stamped, stenciled, or labeled thereon the true name of such oil, setting forth, in bold-faced capital letters not smaller than one inch in length, whether it be pure linseed oil, boiled linseed oil, or linseed replacement oil; and there shall also appear upon the receptacle the name and address of the manufacturer of the oil.

Subd. 2. **Limitation on sale of replacement oil.** No person shall sell in this state after October 1, 1947, linseed replacement oil as defined in this section.

History: *RL s 1772; 1947 c 102 s 1,2; 1961 c 146 s 15 (3936)*

- 24.13 [Repealed, 1961 c 231 s 11]

24.131 CITATION, MINNESOTA PAINT AND VARNISH LAW.

Sections 24.131 to 24.175 may be cited as the Minnesota paint and varnish law.

History: 1961 c 231 s 1

24.135 DEFINITIONS.

Subdivision 1. As used in sections 24.131 to 24.175, the terms defined in this section have the meanings given them.

Subd. 2. "Paint" means any mixture of a pigment and some suitable liquid which will form a solid, adherent, protective or decorative covering when spread upon a surface. It includes liquid, semipaste and solid substances or any mixture of such substances. The term "paint" includes enamels, lacquers, water paints and any substitute for these products but does not include artist's colors, waxes, wood fillers, polishes, stains, plaster, stucco and waterproofing compounds.

Subd. 3. "Varnish" means any liquid or semi-liquid substance or mixture of substances, or any liquid or semi-liquid solution or suspension of substances intended for use as a protective or decorative or impregnating coating when spread upon a surface. The term "varnish" does not include artist's varnishes, waxes, polishes, and stains.

Subd. 4. "Solvent" means any volatile liquid or mixture of volatile liquids, including but not limited to turpentine, intended for use in, or with, any paint or varnish.

Subd. 5. "Paint oil" means any oil, or mixture of oils and other liquids used or intended for use in paint.

Subd. 6. "Person" means any individual, firm, corporation, partnership, association, trust, joint stock company or unincorporated organization.

Subd. 7. "Commissioner" means the commissioner of the department of agriculture of the state of Minnesota.

Subd. 8. "Label" means the written, printed or graphic matter on the immediate container of the article or on the article itself and also on the outside container or wrapper, if any there be, of the individual consumer package of such article.

Subd. 9. "Labeling" means all labels and other written, printed or graphic matter, (1) upon any article or any of its containers or wrappers, (2) accompanying such article, or (3) to which reference is made on the label or literature accompanying such article.

Subd. 10. "Adulterated" means any paint, varnish, paint oil or solvent if its strength or purity falls below the professed standards of composition under which it is sold, if any substance has been substituted wholly or in part for the article, or if any valuable constituent of the article has been wholly or in part abstracted.

Subd. 11. "Misbranded" means any paint, varnish, paint oil or solvent if: (1) its labeling bears any statement, design, or graphic representation relative to the article or its ingredients, which is false or misleading in any particular; or (2) if the label accompanying the article does not contain adequate instructions for use; or (3) if it be an imitation or offered for sale under the name of another article; or (4) if its label fails to bear the ingredient statement plainly and correctly. "Misbranded" also means any paint, varnish, paint oil or solvent if the label does not specify the general purpose for which the product is intended.

Subd. 12. "Ingredient statement" means a statement of the chemical name and percentage by weight of each ingredient.

Subd. 13. "Professed standards" means the strength, purity, or representation of composition under which the product is sold.

History: 1961 c 113 s 1; 1961 c 231 s 2

24.14 [Repealed, 1961 c 231 s 11]

24.141 ILLEGAL ACTS; LABELING REQUIREMENTS.

(a) It is unlawful for any person to sell, offer or expose for sale or to have in his possession with intent to sell within this state any paint, varnish, paint oil or solvent, of whatever nature, that is adulterated, misbranded, insufficiently or improperly labeled within the meaning of sections 24.135 to 24.175 or the rules or regulations adopted by the commissioner. The label shall contain the following information: (1) the name, brand or trademark of the product; (2) the name and address of the manufacturer, distributor, or the person for whom the product was manufactured; (3) the net weight or measure, as the case may be, which is contained in the package; (4) a complete ingredient statement. Whenever it is not possible or practical to use the chemical name, the commissioner may approve the use of other names or terms in the ingredient statement. Tinting colors not exceeding five percent by weight need not be declared on the label.

History: 1961 c 231 s 3

24.145 INSPECTION; TESTS.

For obtaining information regarding the suspected violations of law, the commissioner, his assistants, appointees, agents and employees shall have access to all places where any paint, varnish, paint oil, solvent, or other article is manufactured, sold or stored for sale, the manufacture, sale or transportation of which is restricted, regulated or prohibited by sections 24.135 to 24.175 or by any law of this state. They may inspect any package, receptacle or container found therein apparently containing any paint, varnish, paint oil, solvent, or ingredients thereof, or any other article, the manufacture, sale or transportation of which is restricted, regulated or forbidden by sections 24.135 to 24.175 or by any law of this state and may take samples therefrom for analysis. Any person obstructing such entry or inspection or who fails upon request to furnish information requested by the commissioner, is guilty of a misdemeanor.

History: 1961 c 231 s 4

24.15 [Repealed, 1961 c 231 s 11]

24.151 STOP-SALE ORDER.

The commissioner shall issue and enforce a written or printed "stop-sale use or removal" order to the owner or custodian of any lot of paint, varnish, paint oil or solvent when the commissioner finds that the product is being offered or exposed for sale in violation of any of the provisions of sections 24.135 to 24.175, and his order shall direct that the product shall be held at a designated place until the provisions of sections 24.135 to 24.175 have been complied with and the product is released in writing by the commissioner. However, the owner or custodian of such paint, varnish, paint oil or solvent has the right to appeal from such order to a court of competent jurisdiction in the county or city where the product is found, praying for a judgment as to the justification of the order, and for the discharge of the product from the order prohibiting the sale in accordance with the findings of the court. The provisions of this section shall not be construed as limiting the right of the enforcement officer to proceed as authorized by other provisions of sections 24.135 to 24.175. The commissioner shall release

the paint, varnish, paint oil or solvent held under any stop-sale use or removal order when the requirements of sections 24.135 to 24.175 have been complied with and upon payment of all reasonable costs and expenses incurred in connection with such order. When the commissioner issues and enforces a "stop-sale, use or removal" order against any paint, varnish, paint oil or solvent declared in violation of sections 24.135 to 24.175, in possession of any dealer or distributor, such dealer or distributor may return to the person from whom such paint, varnish, paint oil or solvent was purchased all unbroken retail containers affected by such order and such person shall reimburse the dealer or distributor for the full purchase price, including all delivery costs.

History: 1961 c 231 s 5

24.155 SEIZURES.

Any lot of paint, varnish, paint oil or solvent found not to be in compliance with the provisions of sections 24.135 to 24.175 shall be subject to seizure on complaint of the commissioner to a court of competent jurisdiction in the area in which said paint, varnish, paint oil or solvent is located. In the event the court finds that the paint, varnish, paint oil or solvent is in violation of the provisions of sections 24.135 to 24.175 and orders the condemnation of the product, it shall be disposed of in any manner consistent with the quality of the paint, varnish, paint oil or solvent and the laws of the state. In no instance shall the disposition of paint, varnish, paint oil or solvent be ordered by the court without first giving the claimant an opportunity to apply to the court for the release of the product or for permission to process or relabel the product to bring it into compliance with sections 24.135 to 24.175.

History: 1961 c 231 s 6

24.16 [Repealed, 1961 c 231 s 11]

24.161 COMMISSIONER'S DUTIES; RULES.

The commissioner shall enforce all of the provisions of sections 24.135 to 24.175, and may prescribe such rules and regulations relating to the sale and distribution of paint, varnish, paint oil or solvent as he may find necessary and proper in his judgment to best carry out the purpose of sections 24.135 to 24.175. Such rules and regulations shall be promulgated in the manner provided by law.

History: 1961 c 231 s 7

24.165 CONSTITUTIONALITY; SEVERABILITY.

If any section, subdivision, clause or phrase of sections 24.135 to 24.175 is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of sections 24.135 to 24.175. The legislature hereby declares that it would have passed sections 24.135 to 24.175 and each section, subdivision, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subdivisions, sentences, clauses or phrases be declared unconstitutional.

History: 1961 c 231 s 8

24.17 [Repealed, 1961 c 231 s 11]

24.171 EXCEPTIONS TO PAINT LAW.

The provisions of sections 24.135 to 24.175, except section 24.145 shall not apply to (1) paints, varnish, paint oil or solvent, in transit through the state or in storage within the state intended for and sold outside the state; (2) paints, varnish,

paint oil or solvent, in transit or in storage intended for and actually used for manufacturing, processing, mixing or repacking; (3) paint, varnish, paint oil or solvent not packaged for resale and not sold, offered or exposed for sale to the general public, but sold through agreement to any manufacturer, industrial plant, painting or building contractor, or agents of the federal government, state of Minnesota or subdivisions thereof or public service corporation for direct use by such purchaser. However, evidence concerning such sale shall be furnished the commissioner upon request.

History: 1961 c 231 s 9

24.175 PENALTIES.

Any person convicted of violating any of the provisions of sections 24.135 to 24.175 or any regulations made thereunder is guilty of a misdemeanor.

History: 1961 c 231 s 10

24.18 LABELING OF WOOD ALCOHOL.

No person, by himself, his servant, or agent, or as the servant or agent of another, shall sell, exchange, deliver, or have in his custody or possession, with intent to sell, exchange, or deliver, or expose or offer for sale, exchange or delivery, any wood alcohol, or substance commonly known as wood alcohol, unless each package, bottle, cask, can, or receptacle containing the wood alcohol shall be plainly marked, stamped, branded, or labeled on the outside and face of each package, bottle, cask, can, or receptacle of the capacity of less than one gallon, in legible type not smaller than large primer, and on the outside and face of each package, bottle, cask, can, or receptacle of the capacity of one gallon or more, in legible letters of not less than one inch in length, the letters and words "wood naphtha," "poison."

History: 1905 c 35 s 1 (3944)

24.181 PENALTY.

Any person violating any of the provisions of section 24.18 shall be guilty of a misdemeanor and punished by a fine of not less than \$50 and not more than \$100 for each and every offense or by imprisonment in the county jail for not less than 30 nor more than 90 days.

History: 1905 c 35 s 2 (3945)

24.19 [Renumbered 31.402]

24.20 [Renumbered 31.403]

24.21 [Renumbered 31.404]

24.22 [Renumbered 24.002]

24.23 Subdivision 1. [Repealed, Ex1961 c 58 s 12]

Subd. 2. [Renumbered 24.181]

Subd. 3. [Renumbered 31.405]

ANTIFREEZE

24.24 ANTIFREEZE; MANUFACTURE, SALE, DISTRIBUTION; DEFINITIONS.

Subdivision 1. **Terms.** Unless the language or context clearly indicates that a different meaning is intended, the following terms, for the purposes of sections 24.24 to 24.31, shall be given the meanings subjoined to them.

Subd. 2. **Antifreeze.** "Antifreeze" includes all substances and preparations intended for use as cooling mediums to be added to the cooling system of internal combustion engines to prevent freezing of the cooling liquid or to lower its freezing point.

Subd. 3. **Person.** "Person" means any individual, firm, trust, estate, partnership, association, cooperative association, joint stock company, corporation or unincorporated organization.

Subd. 4. **Commissioner.** The term "commissioner" as used in sections 24.24 to 24.31 shall mean the commissioner of the department of agriculture of the state of Minnesota.

Subd. 5. **Label.** The term "label" means the written, printed or graphic matter on the immediate container of the article or on the article itself and also on the outside container or wrapper, if any there be, of the individual consumer package of such article. The label shall contain the following mandatory information: (1) the name, brand or trademark of the product; (2) the name and address of the manufacturer or distributor; (3) the net weight or measure, as the case may be, which is contained within the package.

Subd. 6. **Labeling.** The term "labeling" means all labels and other written, printed or graphic matter, (1) upon any article or any of its containers or wrappers; (2) accompanying such article; (3) to which reference is made on the label or literature accompanying such article; or (4) which relates or refers to the article for the purpose of inducing the sale thereof.

Subd. 7. **Adulterated.** The term "adulterated" shall apply to any antifreeze (1) if it consists in whole or in part of any substance which will render it injurious to the cooling system of an internal combustion engine or will make the operation of the engine dangerous to the user; or (2) if its strength, quality, or purity falls below the standard of strength, quality, or purity under which it is advertised and sold.

Subd. 8. **Misbranded.** The term "misbranded" shall apply to any antifreeze (1) if its labeling is false or misleading in any particular; or (2) if in package form it does not bear a label containing the name and place of business of the manufacturer, packer, seller, or distributor and an accurate statement of the quantity of the contents in terms of weight or measure on the outside of the package.

History: 1949 c 194 s 1; 1955 c 118 s 1; 1961 c 113 s 1

24.25 REGISTRATION.

Subdivision 1. Any person, before selling or offering for sale any antifreeze for use within this state, shall file with the commissioner an application for registration of such antifreeze, giving the following information, to-wit: (1) the name and address of the manufacturer or distributor; (2) the name and brand of each product for which registration is requested; and (3) the ingredients or component parts of antifreeze sought to be registered, excluding inhibitors when present to an extent of one per cent by weight or less.

Subd. 2. Each application for registration shall be accompanied by an inspection fee of \$30 for each product for which registration is requested. All such registration fees collected by the commissioner shall be paid into the state treasury and be credited to the general fund. There shall also be attached to each application for registration the label or labels which are to be used upon the antifreeze. The commissioner after examination of the label, may require submission of a properly labeled sample which shall not be less than one gallon. If after examination the commissioner finds that the sample is not adulterated or misbranded, and if it meets with the standards required by sections 24.24 to 24.31 and

the rules and regulations promulgated in relation thereto, the commissioner shall issue a certificate of registration for the product. If the application is denied, the product shall not be offered for sale in this state.

Subd. 3. Nothing contained in this section shall be construed so as to apply to any person selling or handling antifreeze which has been registered and the registration fee paid as provided for in sections 24.24 to 24.31.

Subd. 4. Each registration for which a fee of \$30 has been paid shall expire on the thirtieth day of June following its issue, and no certificate of registration shall be issued for a term longer than one year, and shall not be transferable from one person to another, or from the ownership to whom issued to another ownership. A penalty of 50 percent of the registration fee shall be imposed if certificate of registration is not applied for on or before July 1 of each year or within the same month such antifreeze is first manufactured or sold or offered for sale within this state, provided, however, that the commissioner shall have the authority to permit a retailer to sell antifreeze he has on hand which has been previously registered.

History: 1949 c 194 s 2; 1957 c 282 s 1,2; 1969 c 399 s 1; 1969 c 1148 s 5; 1973 c 35 s 8; 1979 c 68 s 4

24.26 ACCESS TO PLACES WHERE USED.

For obtaining information regarding the suspected violations of law, the commissioner, his assistants, appointees, agents and employees shall have access to all places where any antifreeze or other article, the manufacture, sale, use or transportation of which is restricted, regulated or prohibited by this act or by any law of this state; and they may inspect any package, receptacle or container found therein apparently containing any antifreeze or ingredients thereof, or any other article, the manufacture, use, sale or transportation of which is restricted, regulated or forbidden by sections 24.24 to 24.31 or by any law of this state and may take samples therefrom for analysis. Any person obstructing such entry or inspection or failing upon request to assist therein, shall be guilty of a misdemeanor.

History: 1949 c 194 s 3

24.27 SEIZURE.

The commissioner may seize all antifreeze or similar articles, the manufacture, transportation, sale or use of which is prohibited by sections 24.24 to 24.31 or which is manufactured, sold, used, transported, kept or offered for sale, use or transportation, or had in possession with intent to sell, use or transport in violation of any provision of sections 24.24 to 24.31 or in violation of any rule, regulations, definition, standard or ruling made, adopted, published hereunder, and for this purpose he and his several assistants, inspectors, agents and employees shall have the power of a constable. Such seizures may be made without a warrant, but in such case as soon as practicable, he shall cause the person suspected of such violation of law to be arrested and prosecuted therefor. When necessary, a search warrant may be issued as in the case of stolen property, the form of the complaint and of the warrant being adapted to the purpose of sections 24.24 to 24.31.

History: 1949 c 194 s 4

24.28 VIOLATIONS; PENALTIES.

Subdivision 1. Any person who shall alter or adulterate or change the composition in any way of any brand of antifreeze as registered in accordance with section 24.25 shall be guilty of a felony and shall be punished by a fine of not less than \$500 nor more than \$5,000, or by imprisonment of not less than one year nor more than five years.

Subd. 2. Any person violating any of the provisions of sections 24.24 to 24.31 for which no specific penalty is provided shall be guilty of a misdemeanor.

Subd. 3. Any person violating any rule or regulation promulgated by the commissioner shall be guilty of a misdemeanor.

History: 1949 c 194 s 5

24.29 LIMITATIONS.

The provisions of sections 24.24, 24.25, 24.27 to 24.31, shall not apply to (1) finished antifreeze in transit through the state or in storage within the state intended for and sold outside the state; (2) antifreeze ingredient materials in transit or in storage intended for manufacturing, processing, mixing or repacking; (3) common or private carrier and warehousemen while engaged in lawfully transporting and storing antifreeze; (4) public officers while engaged in the performance of their official duties; (5) any employees of the foregoing while acting in the scope of employment.

History: 1949 c 194 s 7

24.30 ENFORCEMENT; RULES.

The commissioner is charged with the enforcement of all the provisions of sections 24.24 to 24.31, and shall have authority to promulgate rules and regulations as provided by law.

History: 1949 c 194 s 8; 1961 c 146 s 16

24.31 RETAILERS, NO APPLICATION.

Sections 24.24 to 24.30 are not intended and shall not apply to retailers.

History: 1949 c 194 s 9

HAZARDOUS SUBSTANCES LABELING ACT

24.32 SHORT TITLE.

Sections 24.32 to 24.42 may be cited as the "hazardous substances labeling act".

History: Ex1961 c 58 s 1

24.33 DEFINITIONS.

For the purposes of sections 24.32 to 24.42:

- (a) The term "department" means the department of agriculture;
- (b) The term "commissioner" means the commissioner of the department of agriculture;
- (c) The term "person" includes an individual, partnership, corporation, and association;
- (d) The term "hazardous substance" means any substance except drugs and medicines or mixture of substances except drugs and medicines which is (1) toxic, (2) corrosive, (3) an irritant, (4) strong sensitizer, (5) flammable, or which (6) generates pressure through decomposition, heat, or other means, if such hazardous substance or mixture of hazardous substances may cause substantial personal injury or illness during any customary or reasonably anticipated handling or use; provided, however, the term "hazardous substance" shall not include substances stored and intended for use as fuel in a heating, cooking, or refrigeration system;
- (e) The term "toxic" shall apply to any hazardous substance which has the inherent capacity to produce bodily injury to man through ingestion, inhalation, or absorption through any body surface;

(f) (1) The term "highly toxic" means any hazardous substance which falls within any of the following categories: (a) Produces death within 14 days in half or more than half of a group of ten or more laboratory white rats each weighing between 200 and 300 grams, at a single dose of 50 milligrams or less per kilogram of body weight, when orally administered; or (b) produces death within 14 days in half or more than half of a group of ten or more laboratory white rats each weighing between 200 and 300 grams, when inhaled continuously for a period of one hour or less at an atmospheric concentration of 200 parts per million by volume or less of gas, vapor, mist, or dust, provided such concentration is likely to be encountered by man when the substance is used in any reasonably foreseeable manner; or (c) produces death within 14 days in half or more than half of a group of ten or more rabbits tested in a dosage of 200 milligrams or less per kilogram of body weight, when administered by continuous contact with the bare skin for 24 hours or less.

(2) If the commissioner finds that available data on human experience with any hazardous substance indicate results different from those obtained on animals in the above named dosages or concentrations, the human data shall take precedence.

(g) The term "corrosive" means any hazardous substance which in contact with living tissue will cause destruction of tissue by chemical action; but shall not refer to action on inanimate surfaces;

(h) The term "irritant" means any hazardous substance not corrosive within the meaning of (g) which on immediate, prolonged, or repeated contact with normal living tissue will induce a local inflammatory reaction;

(i) The term "strong sensitizer" means any hazardous substance which will cause, on normal living tissue through an allergic or photodynamic process, a hypersensitivity which becomes evident on reapplication of the same hazardous substance and which is designated as such by the commissioner. Before designating any hazardous substance as a strong sensitizer, the commissioner shall, after public hearing, following due notice, find that the frequency or occurrence and severity of the reaction indicate a significant potential for causing hypersensitivity;

(j) The term "extremely flammable" shall apply to any hazardous substance which has a flash point at or below 20 degrees Fahrenheit as determined by the Tagliabue Open Cup Tester, and the term "flammable" shall apply to any hazardous substance which has a flash point of above 20 degrees to and including 80 degrees Fahrenheit, as determined by the Tagliabue Open Cup Tester; except that the flammability of the contents of self-pressurized containers shall be determined by methods generally applicable to such containers and established by regulations issued by the commissioner;

(k) The term "label" means a display of written, printed, or graphic matter upon or attached to the immediate package or container of any hazardous substance; and a requirement made by or under authority of sections 24.32 to 24.42 that any word, statement, or other information appearing on the label shall not be considered to be complied with unless such word, statement, or other information also appears (1) on the outside container or wrapper, if any there be, unless it is easily legible through the outside container or wrapper and (2) on all accompanying literature where there are directions for use, written, or otherwise;

(l) The term "immediate container" does not include package liners;

(m) The term "misbranded package" means any container of a hazardous substance intended or suitable for household use which fails to bear a label:

(1) which states conspicuously (A) the name and place of business of the manufacturer, packer, or distributor; (B) the common usual name, or the chemical name or the recognized generic name (not trade name only) of the hazardous

substance or of each component which contributes substantially to its hazard; (C) the signal word "DANGER" on hazardous substances which are extremely flammable, corrosive, or highly toxic; (D) the signal word "WARNING" or "CAUTION" on all other hazardous substances; (E) an affirmative statement of the principal hazard or hazards, such as "Flammable", "Vapor Harmful", "Causes Burns", "Absorbed Through Skin", or similar wording descriptive of the hazard; (F) precautionary measures describing the action to be followed or avoided; (G) instructions, when necessary, for the first aid treatment in case of contact or exposure, if the substance is hazardous through contact or exposure; (H) the word "poison" for any hazardous substance which is defined as "Highly toxic" by subsection (f); (I) instructions for handling and storage of packages which require special care in handling or storage; and (J) the statement "Keep out of the reach of children", or its practical equivalent, and

(2) on which any statements required under clause (1) of this subsection are located prominently and are in the English language in legible type in contrast by typography, layout, or color with other printed matter on the label: Provided, that the commissioner shall, by regulations, provide for minimum information which shall appear on the labels for small packages, which labels need not include all of the information required by this subsection: Provided further, that the commissioner may permit less than the foregoing statement of the hazard or precautionary measures for labels of hazardous substances presenting only minor hazards; and the term "misbranded package" shall not apply to packages of economic poisons subject to the federal insecticide, fungicide, and rodenticide act, nor to packages of foods, drugs, and cosmetics subject to the federal food, drug, and cosmetic act.

History: 1961 c 113 s 1; Ex1961 c 58 s 2

24.34 PROHIBITED ACTS.

The following acts and the causing thereof are hereby prohibited.

(a) The sale or delivery for sale of any misbranded package of a hazardous substance.

(b) The alteration, mutilation, destruction, obliteration, or removal of the whole or any part of the label of, or the doing of any other act with respect to a hazardous substance, if such act is done while the substance is held for sale and which results in the hazardous substance being in a misbranded package.

(c) The refusal to permit entry or inspection as authorized by section 24.39 (b).

(d) A re-use of food, drug, or cosmetic containers still bearing original labels or identifiable as such by characteristic shape, impression or closures as containers for hazardous substances is prohibited.

History: Ex1961 c 58 s 3

24.35 PENALTIES.

(a) Any person who violates any of the provisions of section 24.34 shall be guilty of a misdemeanor.

(b) No person shall be subject to the penalties of subsection (a) of this section, for having violated subsection (a) of section 24.34 in respect of any hazardous substance shipped or delivered for shipment for export to any foreign country, in a package marked for export and branded in accordance with the specifications of the foreign purchaser and in accordance with the laws of the foreign country.

History: Ex1961 c 58 s 4

24.36 STOP-SALE ORDER; SEIZURES.

Subdivision 1. The commissioner shall issue and enforce a written or printed "stop-sale use or removal" order to the owner or custodian of any hazardous substance when the commissioner finds that the product is being offered or exposed for sale in violation of any of the provisions of sections 24.32 to 24.42, and his order shall direct that the product shall be held at a designated place until the provisions of sections 24.32 to 24.42 have been complied with and the product is released in writing by the commissioner. However, the owner or custodian of such product has the right to appeal from such order to a court of competent jurisdiction in the county or city where the product is found, praying for a judgment as to the justification of the order, and for the discharge of the product from the order prohibiting the sale in accordance with the findings of the court. The provisions of this section shall not be construed as limiting the right of the enforcement officer to proceed as authorized by other provisions of sections 24.32 to 24.42. The commissioner shall release the hazardous substance held under any stop-sale use or removal order when the requirements of sections 24.32 to 24.42 have been complied with and upon payment of all reasonable costs and expenses incurred in connection with such order. When the commissioner issues and enforces a "stop-sale, use or removal" order against any hazardous substance declared in violation of sections 24.32 to 24.42, in possession of any dealer or distributor, such dealer or distributor may return to the person from whom such hazardous substance was purchased all unbroken retail containers affected by such order and such person shall reimburse the dealer or distributor for the full purchase price, including all delivery costs.

Subd. 2. Any hazardous substance found not to be in compliance with sections 24.32 to 24.42 shall be subject to seizure on complaint of the commissioner to a court of competent jurisdiction in the area in which the product is located. In the event the court finds that the hazardous substance is in violation of the provisions of sections 24.32 to 24.42 and orders the condemnation of the product, it shall be disposed of in any manner consistent with the character of the hazardous substance and the laws of the state. In no instance shall the disposition of the hazardous substance be ordered by the court without first giving the claimant an opportunity to apply to the court for the release of the product or for permission to process or relabel the product to bring it into compliance with sections 24.32 to 24.42.

History: *Ex1961 c 58 s 5*

24.37 HEARING BEFORE REPORT OF CRIMINAL VIOLATION.

Before any violation of sections 24.32 to 24.42 is reported by the commissioner to any state's attorney for institution of a criminal proceedings, the person against whom such proceeding is contemplated shall be given appropriate notice and an opportunity to present his views, either orally or in writing, with regard to such contemplated proceeding.

History: *Ex1961 c 58 s 6*

24.38 REGULATIONS AND HEARINGS.

The commissioner is authorized, after public hearing following due notice, to promulgate regulations for the efficient enforcement of sections 24.32 to 24.42.

History: *Ex1961 c 58 s 7*

24.39 EXAMINATIONS AND INVESTIGATIONS.

(a) The commissioner is authorized to conduct examinations, inspections, and investigations for the purposes of sections 24.32 to 24.42 through officers and

employees of the department or through any health officer or employee of the state of Minnesota.

(b) For purposes of enforcement of sections 24.32 to 24.42, officers, or employees duly designated by the commissioner, upon presenting appropriate credentials and a written notice to the owner, operator, or agent in charge, are authorized (1) to enter, at reasonable times, any factory, warehouse, or establishment in which hazardous substances are held, or to enter any vehicle being used to transport or hold such hazardous substances; and (2) to inspect and sample, at reasonable times and within reasonable limits and in a reasonable manner, finished hazardous substances in retail packages and labeling thereon in such factory, warehouse, establishment, or vehicle. A separate notice shall be given for each such inspection, but a notice shall not be required for each entry made during the period covered by the inspection. Each such inspection shall be commenced and completed with reasonable promptness.

History: *Ex1961 c 58 s 8*

24.40 RECORDS OF SHIPMENT.

For the purpose of enforcing the provisions of sections 24.32 to 24.42, carriers and persons receiving hazardous substances or holding such hazardous substances so received, shall, upon the request of an officer or employee duly designated by the commissioner, permit such officer or employee, at reasonable times, to have access to and to copy all records showing the movement of any such hazardous substance, or the holding thereof during or after such movement, and the quantity, shipper, and consignee thereof; and it shall be unlawful for any such carrier or person to fail to permit such access to any copying of any record so requested when such request is accompanied by a statement in writing specifying the nature or kind of such hazardous substance to which such request relates: Provided, that evidence obtained under this section shall not be used in a criminal prosecution of the person from whom obtained.

History: *Ex1961 c 58 s 9*

24.41 PUBLICITY.

(a) The commissioner may cause to be published from time to time reports summarizing any judgments, decrees, or court orders which have been rendered under sections 24.32 to 24.42, including the nature of the charge and the disposition thereof.

(b) The commissioner may also cause to be disseminated information regarding hazardous substances in situations involving, in the opinion of the commissioner, imminent danger to health. Nothing in this section shall be construed to prohibit the commissioner from collecting, reporting, and illustrating the results of the investigations of the department.

History: *Ex1961 c 58 s 10*

24.42 SEPARABILITY CLAUSE.

If any provision of sections 24.32 to 24.42 is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of sections 24.32 to 24.42 and the applicability thereof to other persons and circumstances shall not be affected thereby.

History: *Ex1961 c 58 s 11*