

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

24.01 [Repealed, Ex1961 c 58 s 12]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 [Repealed, Ex1961 c 58 s 12]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 [Repealed, Ex1961 c 58 s 12]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 [Repealed, 1961 c 231 s 11]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- 24.03 [Repealed, Ex1961 c 58 s 12]  
 24.04 [Repealed, Ex1961 c 58 s 12]  
 24.05 [Repealed, Ex1961 c 58 s 12]  
 24.06 [Repealed, Ex1961 c 58 s 12]  
 24.069 [Repealed, 1976 c 53 s 29]  
 24.07 [Repealed, 1945 c 427 s 11]  
 24.071 [Repealed, 1976 c 53 s 29]  
 24.072 [Repealed, 1976 c 53 s 29]  
 24.0721 [Repealed, 1976 c 53 s 29]  
 24.073 [Repealed, 1976 c 53 s 29]  
 24.074 [Repealed, 1976 c 53 s 29]  
 24.075 [Repealed, 1976 c 53 s 29]  
 24.076 [Repealed, 1976 c 53 s 29]  
 24.077 [Repealed, 1976 c 53 s 29]  
 24.08 [Repealed, 1945 c 427 s 11]  
 24.09 [Repealed, 1945 c 427 s 11]  
 24.10 [Repealed, 1945 c 427 s 11]  
 24.11 [Repealed, 1945 c 427 s 11]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:** (3936) *RL s 1772; 1947 c 102 s 1,2; 1961 c 146 s 15*

- 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 semiliquid substance or mixture of substances, or any liquid or semiliquid 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.**

It is unlawful for any person to sell, offer or expose for sale or to possess 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 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; 1985 c 248 s 70; 1986 c 444

#### **24.145 INSPECTION; TESTS.**

For obtaining information regarding the suspected violations of law, the commissioner and the commissioner's 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; 1986 c 444

**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 the commissioner's 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; 1986 c 444

#### **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 con-

sistent 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 relating to the sale and distribution of paint, varnish, paint oil or solvent as the commissioner may find necessary and proper to best carry out the purpose of sections 24.135 to 24.175. Such rules shall be promulgated in the manner provided by law.

*History: 1961 c 231 s 7; 1985 c 248 s 70; 1986 c 444*

#### **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 rules made thereunder is guilty of a misdemeanor.

*History: 1961 c 231 s 10; 1985 c 248 s 70*

#### **24.18 LABELING OF WOOD ALCOHOL.**

No person, directly or through a servant or agent, or as the servant or agent of another, shall sell, exchange, deliver, or have in custody or possess, 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:** (3944) 1905 c 35 s 1; 1986 c 444

#### 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:** (3945) 1905 c 35 s 2

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]

24.24 [Repealed, 1983 c 293 s 115]

24.25 [Repealed, 1983 c 293 s 115]

24.26 [Repealed, 1983 c 293 s 115]

24.27 [Repealed, 1983 c 293 s 115]

24.28 [Repealed, 1983 c 293 s 115]

24.29 [Repealed, 1983 c 293 s 115]

24.30 [Repealed, 1983 c 293 s 115]

24.31 [Repealed, 1983 c 293 s 115]

### 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 humans 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 humans 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 rules 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 rules, 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; 1985 c 248 s 70; 1986 c 444

#### 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 reuse 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 the commissioner's 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; 1986 c 444*

#### **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 views, either orally or in writing, with regard to such contemplated proceeding.

**History:** *Ex1961 c 58 s 6; 1986 c 444*

#### **24.38 RULES AND HEARINGS.**

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

**History:** *Ex1961 c 58 s 7; 1985 c 248 s 70*

#### **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 agent of a board of health as authorized under section 145A.04 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; 1987 c 309 s 24*

**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*