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## COLD STORAGE

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### CHAPTER 94.

[S. B. No. 48—Porterfield.]

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#### COLD STORAGE WAREHOUSES.

AN ACT Entitled "An Act Relating to Cold Storage and Refrigerating Warehouses, the Disposition or Sale of the Food Kept or Preserved Therein, and Defining the Duties of the Food Commissioner of the North Dakota Government Agricultural Experiment Station in Relation Thereto and Providing Penalties for the Violation Thereof.

*Be it Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. The term "cold storage" as used in this Act shall be construed to mean a place artificially cooled to a temperature of 40 degrees F. or below, but shall not include such a place in a private home, hotel, or restaurant, or refrigerator cars.

The term "cold stored" as used in this Act shall be construed to mean the keeping of "articles of food" in "cold storage" for a period exceeding thirty days.

The term "articles of food" as used in this Act shall be construed to mean and include fresh meat, and fresh meat products, except in process of manufacture, fresh food, fish, game, poultry, eggs and butter.

§ 2. Any person, firm or corporation desiring to operate a public cold storage or refrigerating warehouse, shall make application in writing to the food commissioner of the experiment station at Fargo for that purpose, stating the location of its plant or plants. On receipt of the application the food commissioner shall cause an examination to be made into the sanitary condition of said plant or plants, and if found to be in a sanitary condition and otherwise properly equipped for the business of cold storage, the food commissioner shall cause a license to be issued authorizing the applicant to operate a cold storage or refrigerating warehouse for and during the period of one year. The license shall be issued upon payment by the applicant of a license fee of ten dollars (\$10.00) to the food commissioner.

§ 3. In the event that any place or places, or any part thereof, covered by a license, under the provisions of this Act, shall at any time be deemed by the food commissioner

to be in an unsanitary condition, it shall be the duty of the food commissioner to notify licensee of such condition, and upon the failure of the licensee to put said specified place or places, or the specified part thereof, in a sanitary condition within a designated time, it shall be the duty of the food commissioner to prohibit the use under its license such specified place or places, or part thereof, as he deems in an unsanitary condition until such time as it may be put in a sanitary condition.

§ 4. It shall be the duty of any person, firm or corporation licensed to operate a cold storage or refrigerating warehouse, to keep an accurate record of the receipts and the withdrawals of the articles of food, and the food commissioner shall have free access to these records at any time. Every such person, firm or corporation shall, furthermore, submit a quarterly report to the food commissioner, setting forth in itemized particular the quantity of food products held in cold storage. Such quarterly reports shall be filed on or before the 6th of January, April, July and October of each year, and the reports so rendered shall show the conditions existing on the first day of the month in which the report is filed. The food commissioner shall have the authority to require such reports to be made at more frequent intervals than the times herein specified, if in the judgment of the food commissioner more frequent reports shall be needed in the interest of a proper enforcement of this Act, or for other reasons affecting the public welfare.

§ 5. No article of food intended for human consumption shall be placed in cold storage if diseased or tainted or deteriorated so as to injure its keeping qualities, or if not slaughtered, handled and prepared for storage in accordance with the pure food and sanitary laws and such rules and regulations as may be prescribed by the food commissioner for the sanitary preparation of food products for cold storage, under the authority hereinafter conferred. Any article of food if intended for use other than human consumption before being cold stored shall be marked by the owner in accordance with forms prescribed by the food commissioner (under authority hereinafter conferred) in such a way as to plainly indicate the fact that such articles are not to be sold for human food.

§ 6. It shall be the duty of the food commissioner to inspect and supervise all cold storage or refrigerating warehouses in this state, and to make such inspection of the entry of articles of food therein as the food commissioner may deem necessary to secure proper enforcement

of this Act. The food commissioner, or his duly authorized agents, inspectors or employees, shall be permitted access to such establishments, and all parts thereof, at all reasonable times for purposes of inspection and enforcement of the provisions of this Act. The said food commissioner may also appoint and designate such person or persons as he deems qualified to make the inspections herein required.

§ 7. All articles of food when deposited in cold storage shall be marked plainly on the containers in which they are packed or on or in connection with the individual article with the date of receipt, and when removed from cold storage shall be marked with the date of withdrawal, in accordance with such forms as may be prescribed by the food commissioner, under the authority hereinafter conferred.

§ 8. No person, firm or corporation, as owners or having control, shall keep in cold storage any article of food for a longer period than twelve calendar months, except with the consent of the food commissioner, as hereinafter provided. The food commissioner may, upon application, grant permission to extend the period of storage beyond twelve months for a particular consignment of goods, if the goods in question are found, upon examination, to be in proper condition for further storage at the end of twelve months. The length of time for which further storage is allowed shall be specified in the order granting the permission. A report on each case in which such extension of storage may be permitted, including information relating to the reason for the action of the food commissioner, the kind and amount of goods for which the storage period was extended, and the length of time for which the continuance was granted, shall be included in the annual report of the food commissioner.

§ 9. It shall be unlawful to sell, or to offer or expose for sale, uncooked articles of food which have been held in cold storage without notifying persons purchasing, or intending to purchase, the same, that they have been so kept, by the display of a sign marked "Cold Storage Goods Sold Here," and it shall be unlawful to represent or advertise as fresh goods articles of food which have been held in cold storage.

§ 10. It shall be unlawful to return to cold storage any article of food that has once been released from such storage and placed on the market for sale to consumers, but nothing in this section shall be construed to prevent the transfer of goods from one cold storage or refrigerating warehouse to another, provided that such transfer is not

made for the purpose of evading any provision of this Act.

§ 11. The food commissioner may make rules and regulations to secure a proper enforcement of the provisions of this Act, including rules and regulations with respect to the sanitary preparation of articles of food for cold storage, the use of marks, tags, or labels, and the display of signs, and the violation of such rules shall be punished, on conviction, as provided in Section 12 of this Act.

§ 12. Any person, firm or corporation violating any of the provisions of this Act shall, upon conviction, be punished for the first offense by a fine not less than ten (\$10.00) dollars and not more than one hundred (\$100.00) dollars, and for the second offense by a fine of not less than fifty (\$50.00) dollars nor more than five hundred (\$500.00) dollars, or by imprisonment for not more than thirty days, or by such fine and imprisonment.

§ 13. WHAT CONSTITUTES VIOLATION OF THE LAW.] The doing of anything prohibited by this Act shall be evidence of the violation of the provisions of this Act relating to the things so prohibited, and the omission to do anything directed to be done shall be evidence of a violation of the provisions of this Act relative to the things so directed to be done.

§ 14. All Acts and parts of Acts conflicting with the provisions of this statute are hereby repealed.

Approved March 12, 1913.