

CHAPTER 407—S. F. No. 1242

[Not Coded]

An act authorizing the conveyance by the state of certain land in exchange by the conveyance of certain land to the state, such lands lying and being in the county of Hennepin.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. **Conveyance of state lands; Andrews, Inc.** Subdivision 1. The governor, upon recommendation of the commissioner of administration, is authorized to convey in the name of the state of Minnesota as grantor to Andrews, Inc., a corporation, as grantee, all of the interests and estate of the state of Minnesota in and to the following described land lying and being in Hennepin county, to-wit:

The North Half (N ½) of Lot 8, Block 32, St. Anthony City (now part of the City of Minneapolis), according to the plat thereof on file and of record in the office of the register of deeds in and for Hennepin county.

Subd. 2. In consideration of the conveyance of the land by the state as provided in subdivision 1 Andrews, Inc. shall convey to the state of Minnesota the following described land located in the county of Hennepin, to-wit:

The South Half (S ½) of Lot 3, Block 32, St. Anthony City (now part of the City of Minneapolis), according to the plat thereof on file and of record in the office of the register of deeds in and for Hennepin county.

Subd. 3. The conveyance of the land described in subdivision 2 shall be accepted only after the attorney general has approved the title thereof and has approved the deed of conveyance as to form and execution.

Approved May 12, 1967.

CHAPTER 408—S. F. No. 1369

[Coded in Part]

An act relating to the distribution of depressant or stimulant drugs; defining the same and making certain acts relating thereto unlawful and providing penalties for the violation thereof; amending

Changes or additions indicated by *italics*, deletions by ~~strikeout~~.

Minnesota Statutes 1965, Sections 152.01, Subdivision 5; and adding subdivisions thereto; 152.09; 152.10; 152.11; 152.12; 152.13; 152.15, Subdivision 1; amending Minnesota Statutes 1965, Chapter 152, by adding sections; repealing Minnesota Statutes 1965, Section 152.16.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Minnesota Statutes 1965, Section 152.01, Subdivision 5, is amended to read:

Subd. 5. Drugs; depressant or stimulant. *The word "barbital" means: barbital and any derivative thereof; diethylbarbituric acid; any alkyl, aryl, metallic or halogenated derivative of barbituric acid; veronal (barbitone); proponal; ipral; dial; neonal (seneryl); sandoptal; amytal; phenobarbital (luminal); phandorn; noetal; allonal (which contains allylisopropylbarbituric acid in combination with amidopyrine) medicinal; any preparation, mixture or other substance containing any of the foregoing substances. The term "depressant or stimulant drug" means: any drug which contains any quantity of barbituric acid or any of the salts or derivatives of barbituric acid; any drug which contains any quantity of amphetamine or any of its optical isomers; any salt of amphetamine or any salt of an optical isomer of amphetamine; d-, dl-methamphetamine and their salts; chloral hydrate, ethchlorvynol, ethinamate, glutethimide, inethyprylon, paraldehyde, dimethyltryptamine, d-lysergic acid diethylamide or any of its salts, mescaline and its salts, psilocybin, psilocibin, psilocyn, phenmetrazine and its salts, chloral betaine, chlorhexadol, petrichloral, sulfondiethylmethane, sulfonethylmethane, sulfonmethane, lysergic acid, and lysergic acid amide; or any other drug which contains a quantity of a substance designated by regulations promulgated by the board of pharmacy as having shown a potential for abuse and injurious to health because of its depressant or stimulant effect on the central nervous system or its hallucinogenic effect.*

Sec. 2. Minnesota Statutes 1965, Section 152.01, is amended by adding new subdivisions to read:

Subd. 6. Pharmacist interns. *The term "pharmacist intern" means a natural person, a graduate of the college of pharmacy, university of Minnesota, or other pharmacy college, approved by the board, or a person satisfactorily progressing toward the degree in pharmacy required for licensure, registered by the state board of pharmacy, for the purpose of obtaining practical experience as a requirement for licensure as a pharmacist or a qualified applicant, awaiting licensure.*

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Subd. 7. Manufacturing. "Manufacturing", in places other than a pharmacy, means and includes the production, quality control, and standardization by mechanical, physical, chemical, or pharmaceutical means, packing, repacking, tableting, encapsulating, labeling, re-labeling, filling, or by other process, of drugs.

Sec. 3. Minnesota Statutes 1965, Chapter 152, is amended by adding a section to read:

[152.041] Rules and regulations. *The board of pharmacy is authorized to promulgate regulations to regulate and define drugs which contain a quantity of a substance having shown a potential for abuse and injurious to health because of its depressant or stimulant effect on the central nervous system or its hallucinogenic effect. All provisions of this chapter shall be applicable to the drugs so designated by such board.*

Sec. 4. Minnesota Statutes 1965, Section 152.09, is amended to read:

152.09 Stimulant or depressant drugs, prescription. *Subdivision 1. Except as otherwise provided in this chapter, it shall be unlawful for any person, firm, or corporation to have in his, or its, possession, except when such possession is for his own use and is authorized by law or to sell, give away, barter, exchange, or distribute ~~barbital~~ a stimulant or depressant drug except (1) on a written prescription of a doctor of medicine, a doctor of osteopathy licensed to practice medicine, a doctor of dental surgery, or a doctor of veterinary medicine, lawfully practicing his profession in this state; or (2) on an oral prescription of any of the practitioners named ~~in~~ ~~(1)~~ above and which is reduced promptly to writing and filed by the pharmacist within 48 hours.*

Subd. 2. In any complaint, information or indictment, and in any action or proceeding brought for the enforcement of any provision of this section, possession of a stimulant or depressant drug except as authorized by law shall be sufficient evidence of violation from which guilt may be inferred.

Sec. 5. Minnesota Statutes 1965, Section 152.10, is amended to read:

152.10 Sales, persons eligible. *No person other than a licensed pharmacist, assistant pharmacist or pharmacist intern under the supervision of a pharmacist shall sell ~~barbital~~ a stimulant or depressant drug and then only as provided in sections 152.09 to 152.12.*

Sec. 6. Minnesota Statutes 1965, Chapter 152, is amended by adding a section to read:

Changes or additions indicated by italics, deletions by strikeout:

[152.101] Manufacturers, records. *Subdivision 1. Every person engaged in manufacturing, compounding, processing, selling, delivering or otherwise disposing of any depressant or stimulant drug shall, upon the effective date of this law, prepare a complete and accurate record of all stocks of each drug on hand and shall keep such record for three years. When additional depressant or stimulant drugs are designated after the effective date of this law, a similar record must be prepared upon the effective date of their designation. On and after the effective date of this law, every person manufacturing, compounding or processing any depressant or stimulant drug shall prepare and keep, for not less than three years, a complete and accurate record of the kind and quantity of each drug manufactured, compounded or processed and the date of such manufacture, compounding, or processing; and every person selling, delivering, or otherwise disposing of any depressant or stimulant drug shall prepare or obtain, and keep for not less than three years, a complete and accurate record of the kind and quantity of each such drug received, sold, delivered, or otherwise disposed of, the name and address from whom it was received and to whom it was sold, delivered or otherwise disposed of, and the date of such transaction. If these records have already been prepared in accordance with federal law, no additional records shall be required provided that all records prepared under federal law have been retained and are made available to the appropriate state agency upon request.*

Subd. 2. This section shall not apply to a licensed doctor of medicine, a doctor of osteopathy duly licensed to practice medicine, a licensed doctor of dentistry, or licensed doctor of veterinary medicine in the course of his professional practice, unless such practitioner regularly engages in dispensing any such drugs to his patients for a fee.

Sec. 7. Minnesota Statutes 1965, Section 152.11, is amended to read:

152.11 Written or oral prescriptions, requisites. *Subdivision 1. For the purposes of sections 152.09 to 152.12, a written or oral prescription, which shall be reduced to writing, for ~~barbital~~ a depressant or stimulant drug is void unless (1) it is written in ink and contains the name and address of the person for whose use it is intended; (2) it states the amount of ~~barbital~~ the depressant or stimulant drug to be compounded or dispensed, with directions for its use; (3) if a written prescription, it contains the signature and address of the prescriber and a designation of the branch of the healing art pursued by the prescriber; and if an oral prescription, the name and address of the prescriber and a designation of his branch of the healing art; and (4) it shows the date when signed by the pre-*

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scriber, or *the date of acceptance in the pharmacy* ~~pharmacist~~ if an oral prescription. Every licensed pharmacist who compounds any such prescription shall at ~~that time~~ *mark it in ink so as to show that it has been compounded and the date thereof*, and he shall retain such prescription in a ~~separate~~ *file* for a period of not less than ~~two~~ *three* years, open to inspection by any officer of the state, county, or municipal government, whose duty it is to aid and assist with the enforcement of ~~sections 152.09 to 152.12~~ *this chapter*. No such written or oral prescription shall be refilled, except with the written or verbal consent of the prescriber; provided, that the date of such consent must be recorded, ~~in ink or indelible pencil~~, upon the original prescription by the pharmacist who refills the prescription, together with the ~~name initials~~ *of the pharmacist*; and that in event of verbal consent, it must be direct from the prescriber to the pharmacist. Every such pharmacist shall distinctly label the container with the directions contained in the prescription for the use thereof ~~and the following warning: "USE ONLY AS DIRECTED."~~

Subd. 2. No prescription for any depressant or stimulant drug may be filled or refilled more than six months after the date on which such prescription was issued and no such prescription may be refilled more than five times except that after obtaining proper authorization from the practitioner the prescription may be refilled in accordance with the previous limitations.

Sec. 8. Minnesota Statutes 1965, Section 152.12, is amended to read:

152.12 Doctors may prescribe. *Subdivision 1. A licensed doctor of medicine, a doctor of osteopathy, duly licensed to practice medicine, or a licensed doctor of dentistry, and in the course of his professional practice only, may prescribe, administer, and dispense ~~barbital~~ a stimulant or depressant drug, or he may cause the same to be administered by a nurse or intern under his direction and supervision.*

Subd. 2. A licensed doctor of veterinary medicine, in good faith, and in the course of his professional practice only, and not for use by a human being, may prescribe, administer, and dispense ~~barbital~~ a stimulant or depressant drug, and he may cause the same to be administered by an assistant under his direction and supervision.

Subd. 3. Any qualified person may use stimulant or depressant drugs in the course of a bona fide research project but cannot administer or dispense such drugs to human beings unless such

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drugs are prescribed, dispensed and administered by a person lawfully authorized to do so.

*Subd. 4. Nothing in sections 152.09 to 152.12 shall prohibit the sale to, or the possession of, ~~barbital~~ a stimulant or depressant drug by ~~wholesale drug concerns~~ registered drug wholesalers, registered manufacturers, registered pharmacies, licensed pharmacists, licensed doctors of medicine, *doctors of osteopathy duly licensed to practice medicine*, licensed doctors of dentistry, licensed doctors of veterinary medicine, or any ~~bona fide~~ *licensed* hospital or other ~~bona fide licensed~~ institutions wherein sick and injured persons are cared for or treated, or ~~bona fide~~ hospitals wherein animals are treated.*

Nothing in sections 152.09 to 152.12 shall prohibit the possession of a stimulant or depressant drug by an employee or agent of a registered drug wholesaler, registered manufacturer, or registered pharmacy, while acting in the course of his employment.

Subd. 5. It shall be unlawful for any person to procure, attempt to procure, possess or have in his control a stimulant or depressant by any of the following means:

- (a) fraud, deceit, misrepresentation or subterfuge ;*
- (b) using a false name or giving false credit;*
- (c) falsely assuming the title of, or falsely representing any person to be, a manufacturer, wholesaler, pharmacist, physician, doctor of osteopathy licensed to practice medicine, dentist, veterinarian, or other authorized person, for the purpose of obtaining a stimulant or depressant drug.*

Sec. 9. Minnesota Statutes 1965, Section 152.13, is amended to read:

152.13 Duties of state board of pharmacy. It shall be the duty of the state board to enforce the provisions of ~~sections 152.01, 152.03 to 152.08, and 152.13~~ *this chapter*, and the power and authority of the board, as now defined by the laws of this state, are hereby extended so as to be commensurate with the duties hereby imposed.

Sec. 10. Minnesota Statutes 1965, Section 152.15, Subdivision 1, is amended to read:

152.15 Subdivision 1. Misdemeanors. (1) Any person who shall violate any of the provisions of sections 152.01, 152.03 to 152.08, and 152.13 shall be guilty of a misdemeanor; and for each

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offense, upon conviction thereof, fined not to exceed \$50; and, upon conviction of any second or subsequent offense, fined not to exceed \$100; and, upon each conviction, the person so convicted shall, in addition to the fine herein mentioned, pay all the cost of prosecution, including the expense incurred in examining and analyzing the article found to have been adulterated or misbranded; and all fines paid and collected for violations of sections 152.01, 152.03 to 152.08, and 152.13 shall be paid to the state board of pharmacy forthwith, the provisions of any statute, ordinance, or charter to the contrary notwithstanding. The fines so collected shall be kept in a separate fund by the board to be used in the enforcement of the provisions of sections 152.01, 152.03 to 152.08, and 152.13. The board may use, so far as it deems necessary, other moneys in its hands for this purpose.

(2) Any person who shall sell or give away any of the articles mentioned in section 152.02 in violation of sections 152.02 and 152.14 to 152.16, and any person who shall prescribe any of such articles to any one addicted to the habitual use of cocaine or any preparation or compound thereof in any form shall be punished by a fine of not less than \$50, nor more than \$100, or by imprisonment in the county jail for not less than 30, nor more than 90, days; and, if the person so offending shall be a licensed ~~physician, dentist, veterinarian, pharmacist, or assistant pharmacist, doctor of medicine, a doctor of osteopathy duly licensed to practice medicine, a licensed doctor of dentistry, a licensed doctor of veterinary medicine, or a licensed pharmacist or licensed assistant pharmacist~~, in addition to the penalty above described, such offender's license shall be revoked.

Sec. 11. *Minnesota Statutes 1965, Section 152.16, is hereby repealed.*

Sec. 12. *This act takes effect on and after July 1, 1967.*

Approved May 12, 1967.

CHAPTER 409—S. F. No. 1482

An act relating to counties; abolishing the board of auditors and transferring the functions thereof to the county board; amending Minnesota Statutes 1965, Sections 306.54, 385.06, 385.07, 385.08, 385.09, 385.10, 385.11, and 385.13; repealing Minnesota Statutes 1965, Section 385.16.

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