

Sec. 65. [214.05] EFFECT OF POWERS GRANTED IN ENABLING ACTS. Nothing in sections 59 to 62 shall be construed to limit the powers granted to the health related boards or the non-health related boards in their enabling legislation.

Sec. 66. Minnesota Statutes 1971, Section 45.16, Subdivision 3, is repealed.

Sec. 67. [214.06] FEES. Notwithstanding any law to the contrary, all health related licensing boards as defined in section 59 of this act and all non-health related licensing boards as defined in section 59 of this act, acting pursuant to the administrative procedures act, may, with the approval of the commissioner of administration, increase the fee for the renewal of a license or certificate a sufficient amount so that the total fees collected by each board will as closely as possible equal anticipated expenditures.

Sec. 68. EFFECTIVE DATE. The provisions of this act except section 60 shall be effective July 1, 1973. Section 60 shall be effective January 1, 1974. All provisions relative to depositing fees and other income in the general revenue fund shall be effective July 1, 1976.

Approved May 24, 1973.

CHAPTER 639—H.F.No.976

[Coded in Part]

An act relating to pharmacy and drugs; redefining certain terms; increasing the compensation of the members of the state board of pharmacy; revising the qualifications required of applicants for registration; providing for the training of interns; increasing the maximum fee for registration; revising exceptions allowed to registration requirements; regulating the introduction of distressed drugs into the state; amending Minnesota Statutes 1971, Sections 151.01, Subdivisions 5 and 14; 151.10; 151.101; 151.12; 151.211; 151.25; 151.26, Subdivision 1; 151.37, Subdivision 5 and 151.39, by adding a subdivision; repealing Minnesota Statutes 1971, Section 151.26, Subdivision 2.

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

Section 1. Minnesota Statutes 1971, Section 151.01, Subdivision 5, is amended to read:

Changes or additions indicated by underline, deletions by ~~strikeout~~.

Subd. 5. **PHARMACY; REGULATIONS; DRUG.** The term "drug" means all medicinal substances and preparations recognized by the United States pharmacopoeia and national formulary, or any revision thereof, and all substances and preparations intended for external and internal use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animal, and all substances and preparations, other than food, intended to affect the structure or any function of the body of man or other animal.

Sec. 2. Minnesota Statutes 1971, Section 151.01, Subdivision 14, is amended to read:

Subd. 14. **MANUFACTURING.** The term "manufacturing" in ~~places other than~~ except in the case of bulk compounding, prepackaging or extemporaneous compounding within a pharmacy, means and includes the production, quality control and standardization by mechanical, physical, chemical, or pharmaceutical means, packing, repacking, tableting, encapsulating, labeling, relabeling, filling or by any other process, of all drugs, medicines, chemicals, or poisons, without exception, for medicinal purposes.

Sec. 3. Minnesota Statutes 1971, Section 151.10, is amended to read:

151.10 QUALIFICATIONS OF APPLICANTS. To be entitled to examination by the board as a pharmacist the applicant shall be a citizen of the United States, of good moral character, at least 21 years of age, and shall be a graduate of the college of pharmacy of the University of Minnesota or of a college or school of pharmacy in good standing of which the board shall be the judge and shall ~~have at least one year of practical experience in pharmacy completed internship requirements as prescribed by the board.~~ Any person who was qualified and lawfully entitled to be examined by the board as a pharmacist under the laws in force immediately prior to the enactment of Laws 1937, Chapter 354, and who had filed sworn statement of proof with the board prior to March 29, 1930, but was disqualified from taking such examination because of the enactment of Laws 1937, Chapter 354, may take such pharmacists' examination up to and including two years after March 28, 1941.

Sec. 4. Minnesota Statutes 1971, Section 151.101, is amended to read:

151.101 INTERNSHIP. The board may register as an intern any natural person who has satisfied the board that he is of good moral character, not physically or mentally unfit, and who has successfully completed the educational requirements for intern registration prescribed by the board. ~~The intern's experience shall be supervised by a pharmacist preceptor in a licensed pharmacy in which the quantity and variety of drugs dispensed meet or exceed~~

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~~standards prescribed by the board for intern training purposes. The board shall prescribe standards and requirements for internship training but may not require more than one year of such training.~~

The board in its discretion may accept internship experience obtained in another state provided the internship requirements in such other state are in the opinion of the board equivalent to those herein provided.

Sec. 5. Minnesota Statutes 1971, Section 151.12, is amended to read:

151.12 RECIPROcity; REGISTRATION FEE. The board may in its discretion grant registration without examination to any pharmacist licensed by the board of pharmacy or a similar board of another state which accords similar recognition to licensees of this state; provided, the requirements for registration in such other state are in the opinion of the board equivalent to those herein provided. The fee for registration shall be in such amount as the board may determine not exceeding the sum of ~~\$50~~ \$100.

Sec. 6. Minnesota Statutes 1971, Section 151.211, is amended to read:

151.211 RECORDS OF PRESCRIPTIONS. All prescriptions dispensed shall be kept on file in the pharmacy in which such dispensing occurred for a period of at least ~~three~~ two years. No prescription shall be refilled except with the written or verbal consent of the prescriber; provided that the date of such refill must be recorded upon the original prescription by the pharmacist, assistant pharmacist or pharmacist intern who refills the prescription and initialed by him.

Sec. 7. Minnesota Statutes 1971, Section 151.25, is amended to read:

151.25 REGISTRATION OF MANUFACTURERS OR WHOLESALERS; LICENSE; FEE; PROHIBITIONS. The board shall require and provide for the annual registration of every person engaged in manufacturing or selling at wholesale drugs, medicines, chemicals or poisons for medicinal purposes, now or hereafter doing business within this state. Upon a payment of a fee of \$50 the board shall issue a license in such form as it may prescribe to such manufacturer or wholesaler. Such license shall be exposed in a conspicuous place in such manufacturer's or wholesaler's place of business for which it is issued and expire on the 13th day of June following the date of issue. It shall be unlawful for any person to manufacture or sell at wholesale drugs, medicines, chemicals or poisons for medicinal purposes unless such a license has been issued to him by the board. It shall be unlawful for any

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person engaged in the manufacture or selling at wholesale, or his agent, to sell legend drugs, ~~medicines, chemicals, or poisons~~ to other than a pharmacy, except as provided in this chapter.

Sec. 8. Minnesota Statutes 1971, Section 151.26, Subdivision 1, is amended to read:

151.26 **EXCEPTIONS.** Subdivision 1. Nothing in this chapter shall subject a person duly licensed in this state to practice medicine, dentistry, or veterinary medicine, to inspection by the state board of pharmacy, nor to prevent him from compounding or using drugs, medicines, chemicals, or poisons in his practice, nor prevent one duly licensed to practice medicine from furnishing to a patient such drugs, medicines, chemicals, or poisons as he deems proper in the treatment of such patient.

Nothing in this chapter shall prevent the sale of drugs, medicines, chemicals, or poisons at wholesale to licensed physicians, dentists and veterinarians for use in their practice, nor to hospitals for use therein.

Nothing in this chapter shall prevent the sale of drugs, chemicals, or poisons either at wholesale or retail for use for commercial purposes, or in the arts, nor interfere with the sale of insecticides, as defined in section 24.069, and nothing in this chapter shall prevent the sale of common household preparations and other drugs, chemicals, and poisons sold exclusively for use for non-medical purposes.

Nothing in this chapter shall apply to or interfere with the ~~manufacture, wholesaling,~~ vending, or retailing of any non-prescription medicine or drug not otherwise prohibited by statute which is prepackaged, fully prepared by the manufacturer or producer for use by the consumer, and labeled in accordance with the requirements of the state or federal food and drug act; nor to the manufacture, wholesaling, vending, or retailing of flavoring extracts, toilet articles, cosmetics, perfumes, spices, and other commonly used household articles of a chemical nature, for use for non-medical purposes. Nothing in this chapter shall prevent the sale of drugs or medicines by licensed pharmacists at a discount to persons over 65 years of age.

Sec. 9. Minnesota Statutes 1971, Section 151.37, Subdivision 5, is amended to read:

Subd. 5. Nothing in this chapter shall prohibit the sale to, or the possession of, a legend drug by registered drug wholesalers, registered manufacturers, registered pharmacies, ~~licensed pharmacists, licensed practitioners,~~ or any licensed hospital or bona fide hospitals wherein animals are treated or licensed pharmacists and

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licensed practitioners while acting within the course of their practice only.

Sec. 10. Minnesota Statutes 1971, Section 151.39, is amended by adding a subdivision to read:

Subd. 3a. No person may import distressed drugs into this state without notification to the board of the source, destination, kind and quantity of such drugs. Such drugs may not be sold or offered for sale without written approval of the board. The board shall grant such approval when the applicant has clearly demonstrated that such distressed drugs were inspected on the site within a reasonable period after the occurrence set forth in subdivision 1 by an agency of the foreign state satisfactory to the board and the furnishing of a written certification by such agency in such form as is satisfactory to the board indicating that there is no reasonable cause to believe the drugs are not adulterated or misbranded. Nothing herein shall be construed to prevent the board from exerting its authority and rights set forth in section 151.38 after such drugs have entered this state.

Sec. 11. **REPEALER.** Minnesota Statutes 1971, Section 151.26, Subdivision 2, is repealed.

Approved May 24, 1973.

CHAPTER 640—H.F.No.977

An act relating to the state junior college board; increasing membership of the state junior college board from five to seven members; amending Minnesota Statutes 1971, Section 136.61, Subdivisions 1 and 2.

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

Section 1. Minnesota Statutes 1971, Section 136.61, Subdivision 1, is amended to read:

136.61 JUNIOR COLLEGE BOARD; MEMBERSHIP; SELECTION AND ADMINISTRATION. Subdivision 1. The state junior college board shall consist of five ~~seven~~ members appointed by the governor with the advice and consent of the senate. They shall be selected for their knowledge of, and interest in junior colleges of Minnesota. Except as otherwise provided in subdivision 2 each

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