

## CHAPTER 77—H. F. No. 183

*An act relating to the acquisition of lands containing road building materials by towns and counties, and amending Mason's Minnesota Statutes of 1927, Section 2613.*

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

Section 1. **Law amended.**—Mason's Minnesota Statutes of 1927, Section 2613, is hereby amended to read as follows:

**"2613. Acquisition of lands containing road building materials.**—Whenever the commission of highways, or any county or town board or common council of any village or city shall deem it necessary for the purpose of building or repairing public roads or streets within his or its jurisdiction, he or it may procure by purchase or condemnation, in the manner provided by law, any plot of ground, not exceeding 40 acres, containing gravel or stone, or clay, or sand or one or more of such road materials, suitable for road purposes, together with the right of way to the same of sufficient width to allow teams, trucks or other vehicles to pass, and on the most practicable route to the nearest public road.

*Whenever any county or town board shall deem it necessary for the purpose of building or repairing public roads or streets within its jurisdiction, it may purchase any plot of ground located in an adjoining town or county, not exceeding forty acres, containing gravel or stone, or clay, or sand or one or more of such road materials, suitable for road purposes, together with the right of way to the same of sufficient width to allow teams, trucks or other vehicles to pass, and on the most practicable route to the nearest public road."*

Approved March 28, 1941.

## CHAPTER 78—H. F. No. 194

*An act relating to the regulation of the practice of pharmacy; regulating the sale of drugs, medicines, chemicals and poisons; providing for a State Board of Pharmacy and defining its powers and duties; setting forth the requirements for registration and licensing of pharmacists, pharmacies and other places, amending Mason's Supplement 1940, Section 5808-6, and Section 5808-10.*

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

Section 1. **Law amended.**—Mason's Supplement 1940, Section 5808-6, is hereby amended to read as follows:

"5808-6. **Powers and duties of board.**—The State Board of Pharmacy shall have the power and it shall be its duty:

- (a) To regulate the practice of Pharmacy.
- (b) To regulate the sale of drugs, medicines, chemicals and poisons.
- (c) To regulate the quality of all drugs and medicines dispensed in this state, using the United States Pharmacopeia and the National Formulary, or any revisions thereof, as the standard.
- (d) It may, by its duly authorized representative, enter and inspect any and all places where drugs, medicines, chemicals and/or poisons are sold, vended, given away, compounded, dispensed or manufactured. It shall be unlawful for any persons to refuse to permit or otherwise prevent such representative from entering such places and making such inspection.
- (e) To examine and register as pharmacists all applicants whom it shall deem qualified to be such.
- (f) *To suspend or revoke pharmacist or assistant pharmacist licenses issued by it, upon any of the following grounds:*
  - (1) *Fraud or deception in connection with the securing of such license;*
  - (2) *Conviction of the holder in any court of a felony;*
  - (3) *Conviction of the holder in any court of an offense involving moral turpitude;*
  - (4) *Habitual indulgence in the use of narcotics or intoxicating liquors;*
  - (5) *Unprofessional conduct or conduct endangering public health;*
  - (6) *Gross immorality;*
  - (7) *Employing, assisting or enabling in any manner an unlicensed person to practice pharmacy;*
  - (8) *For violation of any of the provisions of this act; provided that before the board shall order any such suspension or revocation it shall, on its own motion, cause an investigation to be made and shall issue a citation under the seal of the board and signed by the secretary directing and requiring the holder*

*of the license to show cause on a certain day, why his license should not be suspended or revoked on the grounds specified therein; and the holder of the license shall be given 20 days' notice of the hearing and the licensee shall be entitled to be represented by legal counsel. A certified copy of the conviction of any pharmacist or assistant pharmacist shall be conclusive evidence of the conviction in any proceeding before the board. A stenographic record shall be kept of all proceedings. The action of the board in suspending or revoking a license hereunder shall be subject to review at the election of the licensee by a writ of certiorari brought in the district court of Hennepin county, or by appeal to said court or the district court of the county in which the licensee resides, in which event the matter shall be tried de novo. The action of the board shall stand until otherwise directed by the district court or the supreme court of the state of Minnesota upon appeal. Any pharmacist or assistant pharmacist whose license has been suspended or revoked may be reinstated or a new license issued to him as the case may be, when in this discretion of the board the action is warranted, provided such pharmacist or assistant pharmacist shall pay all costs of the proceedings resulting in the suspension or revocation of the license and reinstatement of the new license, and in addition thereto pay a fee of \$25.00.*

(g) To report its proceedings annually to the governor with such information and recommendations as it deem proper, giving the names of all pharmacists registered during the year, and the items of its receipts and disbursements.

(h) To employ necessary assistants, and make rules for the conduct of its business.

(i) To perform such other duties and exercise such other powers as the provisions of the act may require.

(j) For the purposes aforesaid, it shall also be the duty of the board to make and publish uniform rules and regulations not inconsistent herewith, for carrying out and enforcing the provisions of the act."

Sec. 2. **Law amended.**—Mason's Supplement 1940, Section 5808-10, is hereby amended to read as follows:

**"5808-10. Qualifications of applicant for examination.**—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 a pharmacy. Provided, however, that 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 of 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 of 1937, Chapter 354, may take such pharmacists' examination up to and including two years after the approval of this act."*

Approved March 28, 1941.

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#### CHAPTER 79—H. F. No. 215

*An act to validate certain probate proceedings and all orders and conveyances and decrees of distribution made therein.*

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

**Section 1. Certain probate proceedings validated.**—That every probate proceeding had in this state prior to the passage of this act and otherwise legally conducted according to statute, except that a copy of the notice of any hearing, or hearings, in said proceedings was not mailed to each heir, devisee and legatee, or to the consul or representative of the country of decedent's birth, or to the chief diplomatic representative of such country, or to the secretary of state at St. Paul, Minnesota, or that proof of mailing such notice was not filed in the probate court, shall be of the same force and effect as though such mailed notice had been given and proof thereof filed as provided by statute; and every order made in said probate proceeding and every conveyance of real estate made pursuant thereto and every decree of distribution made therein are hereby legalized and validated, as against the objection that a copy of the notice of any hearing, or hearings in said proceedings, was not mailed as above provided, or that proof of mailing such notice was not filed in the probate court.

**Sec. 2. Limitations of act.**—Nothing herein contained shall apply to any probate proceedings held subsequent to June 1, 1939, or affect any action now pending to determine the validity of any instrument validated hereby.

Approved March 28, 1941.