in a like manner. In contracting with so-called managing agent, but in remaining the terminal operator, the seaway port authority may contract to retain power over the setting of all rates for any services to be performed in any terminal facility owned, leased, or operated by said seaway port authority.

Sec. 2. Minnesota Statutes 1967, Section 458.194, Subdivision 2, is amended to read:

Subd. 2. The bonds of each series issued by the port authority under the provisions of this section shall bear interest at a rate or rates not exceeding ~~six~~ *eight* percent per annum payable semiannually and shall mature at such time or times within 30 years from the date of issuance, and shall be in such form, whether payable to bearer, registerable as to principal, or fully registerable, as may be determined by the port authority. The provisions of section 458.193, subdivision 6 shall apply to all bonds issued hereunder, and such bonds and any coupons appurtenant thereto, when payable to bearer, shall be negotiable instruments.

Sec. 3. Minnesota Statutes 1967, Section 458.194, Subdivision 3, is amended to read:

Subd. 3. The sale of such revenue bonds issued by the port authority shall be at public sale pursuant to Minnesota Statutes, Section 475.60, *or in accordance with the procedures set forth in Minnesota Statutes, Section 474.01 to 474.13, inclusive.* Such bonds may be sold in the manner and for the price that the port authority determines to be for the best interest of the port authority, but no such sale shall be made at a price so low as to require the payment of interest on the money received therefor at more than ~~six~~ *eight* percent per annum, computed with relation to the absolute maturity of the bonds in accordance with standard tables of bond values, excluding from such computation the amount of any premium to be paid on redemption of any bonds prior to maturity. Such bonds may be made callable, and if so issued may be refunded.

Approved June 4, 1969.

CHAPTER 933—H. F. No. 2497

[Coded in Part]

An act relating to pharmacy and drugs; amending Minnesota Statutes 1967, Chapter 151, by adding sections; and Sections 151.01,

by adding subdivisions; 151.06; 151.21; and 151.22; repealing Minnesota Statutes 1967, Sections 151.20; 152.01, Subdivisions 3 and 4; 152.02; 152.03; 152.04; 152.05; 152.06; 152.07; 152.08; 152.14; and 152.15, Subdivision 1.

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

Section 1. Minnesota Statutes 1967, Section 151.01, is amended by adding a subdivision to read:

Subd. 17. **Drugs; labeling; legend drug.** *"Legend drug" means a drug which is required by federal law to bear the following statement, "Caution: Federal law prohibits dispensing without prescription."*

Sec. 2. Minnesota Statutes 1967, Section 151.01, is amended by adding a subdivision to read:

Subd. 18. **Label.** *"Label" means a display of written, printed, or graphic matter upon the immediate container of any drug or medicine; and a requirement made by or under authority of this act 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 on the outside container or wrapper, if any there be, of the retail package of such drug or medicine, or is easily legible through the outside container or wrapper.*

Sec. 3. Minnesota Statutes 1967, Section 151.01, is amended by adding a subdivision to read:

Subd. 20. **Package.** *"Package" means any container or wrapping in which any drug or medicine is enclosed for use in the delivery or display of that article to retail purchasers, but does not include:*

(a) shipping containers or wrappings used solely for the transportation of any such article in bulk or in quantity to manufacturers, packers, processors, or wholesale or retail distributors;

(b) shipping containers or outer wrappings used by retailers to ship or deliver any such article to retail customers if such containers and wrappings bear no printed matter pertaining to any particular drug or medicine.

Sec. 4. Minnesota Statutes 1967, Section 151.01, is amended by adding a subdivision to read:

Subd. 21. **Labeling.** *"Labeling" means all labels and other written, printed, or graphic matter (a) upon a drug or medicine or any of its containers or wrappers, or (b) accompanying such article.*

Sec. 5. Minnesota Statutes 1967, Section 151.01, is amended by adding a subdivision to read:

Subd. 22. **Federal act.** *"Federal act" means the federal food, drug, and cosmetic act, 21 U.S.C. Section 301, et seq., as amended.*

Sec. 6. Minnesota Statutes 1967, Section 151.01, is amended by adding a subdivision to read:

Subd. 23. **Pharmacist in charge.** *"Pharmacist in charge" means a duly licensed pharmacist in the state of Minnesota who has been designated in accordance with the rules and regulations of the state board of pharmacy to assume professional responsiblity for the operation of the pharmacy in compliance with the requirements and duties as established by the board in its rules and regulations.*

Sec. 7. Minnesota Statutes 1967, Section 151.01, is amended by adding a subdivision to read:

Subd. 24. **Practitioner.** *"Practitioner" means a licensed doctor of medicine, licensed doctor of osteopathy duly licensed to practice medicine, licensed doctor of dentistry, licensed podiatrist, or licensed veterinarian.*

Sec. 8. Minnesota Statutes 1967, Section 151.06, is amended to read:

151.06 **Powers and duties.** *Subdivision 1.* The state board of pharmacy shall have the power and it shall be its duty:

(1) To regulate the practice of pharmacy;

(2) To regulate the *manufacture, wholesale, and retail* sale of drugs~~,~~ *or* medicines~~, chemicals, and poisons~~ *within this state*;

(3) To regulate the *identity, labeling, purity, and* quality of all drugs and medicines dispensed in this state, using the United States pharmacopoeia and the national formulary, or any revisions thereof, *or standards adopted under the federal act* as the standard;

(4) It may, by its duly authorized representative, enter and inspect any and all places where drugs~~, medicine,~~ or *medicines* ~~chemicals, 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;~~ *wholesaled or held; it may secure samples or specimens of any drug or medicine after paying or offering to pay for such sample; it shall be entitled to inspect*

and make copies of any and all records of shipment, purchase, manufacture, quality control, and sale of drugs or medicines provided, however, that such inspection shall not extend to financial data, sales data, or pricing data;

(5) To examine and register as pharmacists all applicants whom it shall deem qualified to be such;

(6) To *deny,* suspend, ~~or~~ revoke, *or refuse to renew any registration or license required under Minnesota Statutes, Chapter 151, to any applicant or registrant or licensee* ~~pharmacist or assistant pharmacist licenses issued by it,~~ upon any of the following grounds:

(a) Fraud or deception in connection with the securing of such license;

(b) ~~Conviction~~ *In the case of a pharmacist, conviction* ~~of the holder~~ in any court of a felony;

(c) ~~Conviction~~ *In the case of a pharmacist, conviction* ~~of the holder~~ in any court of an offense involving moral turpitude;

(d) Habitual indulgence in the use of narcotics, *stimulants, or depressant drugs;* or *habitual indulgence in* intoxicating liquors *in a manner which could cause conduct endangering public health*;

(e) Unprofessional conduct or conduct endangering public health;

(f) Gross immorality;

(g) Employing, assisting, or enabling in any manner an unlicensed person to practice pharmacy;

~~(h) For violation of any of the provisions of this chapter, 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 that 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 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 the discretion of the board the action is warranted, provided such pharmacist or assistant pharmacist shall pay all costs of the proceedings resulting in the suspenion or revocation of the license and reinstatement of the new license and, in addition thereto, pay a fee of $25);~~

(h) Conviction of theft of drugs, or the unauthorized use, possession, or sale thereof;

(i) Violation of any of the provisions of this chapter or any of the rules or regulations of the state board of pharmacy;

(j) In the case of a pharmacy license, operation of such pharmacy without a pharmacist present and on duty;

(k) In the case of a pharmacist, physical or mental disability which could cause incompetency in the practice of pharmacy;

(7) On or before October 1 in each even numbered year to make a biennial report to the governor with such information and recommendations as it deems proper, giving the names of all pharmacists registered during the two preceding fiscal years, and the items of its receipts and disbursements;

(8) To employ necessary assistants and make rules for the conduct of its business;

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

(10) For the purposes aforesaid it shall 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 this chapter.

Subd. 2. The provisions of subdivision 1 of this section shall apply to an individual owner or sole proprietor and shall also apply to the following:

(1) In the case of a partnership, each partner thereof;

(2) In the case of an association, each member thereof;

(3) In the case of a corporation, each officer or director

thereof and each shareholder owning 30 percent or more of the voting stock of such corporation.

Subd. 3. The board shall comply with the provisions of Minnesota Statutes, Chapter 15, before it fails to issue, renew, suspends, or revokes any license or registration issued under Minnesota Statutes, Chapter 151.

Subd. 4. Any license or registration which has been suspended or revoked may be reinstated by the board provided the holder thereof shall pay all costs of the proceedings resulting in the suspension or revocation, and, in addition thereto, pay a fee of $25.

Sec. 9. Minnesota Statutes 1967, Chapter 151, is amended by adding a section 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 standards prescribed by the board for intern training purposes.*

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. 10. Minnesota Statutes 1967, Section 151.21, is amended to read:

151.21 **Drugs must be labeled.** It shall be unlawful for any ~~person~~ *pharmacist, assistant pharmacist, or pharmacist intern* who ~~prepares~~ *dispenses* prescriptions, drugs, *and* medicines~~, chemicals, or poisons,~~ to ~~wilfully, negligently, or ignorantly omit to label the package or receptacle, label it falsely,~~ substitute an article different from the one ordered, or deviate in any manner from the requirements of an order or prescription *without the approval of the prescriber.*

Sec. 11. Minnesota Statutes 1967, Chapter 151, is amended by adding a section 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 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. 12. Minnesota Statutes 1967, Chapter 151, is amended by adding a section to read:

[151.212] Label of prescription drug containers. *Drugs dispensed pursuant to a prescription shall bear a label permanently affixed to the immediate container in which the drug is dispensed. Such label shall bear all information required by law and by regulations of the board.*

Sec. 13. Minnesota Statutes 1967, Chapter 151, is amended by adding a section to read:

[151.213] Copies of prescriptions. *Prescriptions on file in a pharmacy are not a public record. A person having custody of or access to such prescription orders shall not divulge the contents thereof or provide a copy thereof to anyone except to:*

(1) The patient for whom the prescription was issued, his agent, or another pharmacist acting on behalf of the patient or his agent;

(2) The licensed practitioner who issued the prescription;

(3) The licensed practitioner who is then treating the patient;

(4) A member, inspector, or investigator of the board or any federal, state, county, or municipal officer whose duty it is to enforce the laws of this state or the United States relating to drugs and who is engaged in a specific investigation involving a designated person or drug;

(5) An agency of government charged with the responsibility of providing medical care for the patient;

(6) An insurance carrier or attorney on receipt of written authorization signed by the patient or his legal representative, authorizing the release of such information;

(7) Any person duly authorized by a court order.

Such copies furnished shall bear on the face thereof the statement "Copy for information only," and may be filed to account for the dispensing of a drug only if such dispensing is authorized in writing or orally by the prescriber and communicated to the pharmacist dispensing and filing such copy.

Sec. 14. Minnesota Statutes 1967, Section 151.22, is amended to read:

151.22 **Liability for quality of drugs.** Every *pharmacist in charge or* proprietor ~~or manager~~ of a pharmacy shall be responsible for the quality of all drugs, medicines, chemicals, and poisons *procured for use and* sold therein, except proprietary medicines or other articles sold in the original package of the manufacturer.

~~It shall be unlawful for any person or his agent to adulterate any drug, medicinal substance, or preparation authorized by the United States pharmacopoeia or national formulary, or any revision thereof, or any drug, medicinal substance, or preparation used or intended to be used in medical practice.~~

~~It shall be unlawful to mix with any such article any foreign or inert substance for the purpose of weakening its medicinal effect or of cheapening it or to sell the same knowing it to be adulterated or mixed.~~

~~Nothing in this chapter shall be construed to change any of the provisions of sections 152.01, 152.03 to 152.08, and 152.13.~~

Sec. 15. Minnesota Statutes 1967, Chapter 151, is amended by adding a section to read:

[151.34] Prohibited acts. *It shall be unlawful to:*

(1) Manufacture, sell or deliver, hold or offer for sale any drug that is adulterated or misbranded;

(2) Adulterate or misbrand any drug;

(3) Receive in commerce any drug that is adulterated or misbranded, and to deliver or proffer delivery thereof for pay or otherwise;

(4) Refuse to permit entry or inspection, or to permit the taking of a sample, or to permit access to or copying of any record as authorized by this chapter;

(5) Remove or dispose of a detained or embargoed article in violation of this chapter;

(6) Alter, mutilate, destroy, obliterate, or remove the whole or any part of the labeling of, or to do any other act with respect to a drug, if such act is done while such drug is held for sale and results in such drug being adulterated or misbranded;

(7) Use for a person's own advantage or to reveal other than

to the board or its authorized representative or to the courts when required in any judicial proceeding under this chapter any information acquired under authority of this chapter concerning any method or process which is a trade secret and entitled to protection;

(8) Use on the labeling of any drug of any representation or suggestion that an application with respect to such drug is effective under the federal act or that such drug complies with such provisions;

(9) In the case of a manufacturer, packer, or distributor offering legend drugs for sale within this state, fail to maintain for transmittal or to transmit, to any practitioner licensed by applicable law to administer such drug who makes written request for information as to such drug, true and correct copies of all printed matter which is required to be included in any package in which that drug is distributed or sold, or such other printed matter as is approved under the federal act. Nothing in this paragraph shall be construed to exempt any person from any labeling requirement imposed by or under provisions of this chapter; or

(10) Conduct a pharmacy without a pharmacist in charge.

Sec. 16. Minnesota Statutes 1967, Chapter 151, is amended by adding a section to read:

[151.35] Drugs, adulteration. *A drug shall be deemed to be adulterated:*

(1) if it consists in whole or in part of any filthy, putrid or decomposed substance; or if it has been produced, prepared, packed, or held under unsanitary conditions whereby it may have been rendered injurious to health, or whereby it may have been contaminated with filth; or if the methods used in, or the facilities or controls used for, its manufacture, processing, packing, or holding do not conform to or are not operated or administered in conformity with current good manufacturing practice as required under the federal act to assure that such drug is safe and has the identity, strength, quality, and purity characteristics, which it purports or is represented to possess; or, its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health; or it bears or contains, for purposes of coloring only, a color additive which is unsafe within the meaning of the federal act, or it is a color additive, the intended use of which in or on drugs is for the purposes of coloring only, and is unsafe within the meaning of the federal act;

(2) if it purports to be or is represented as a drug the name of which is recognized in the United States pharmacopoeia or the na-

tional formulary, and its strength differs from, or its quality or purity falls below, the standard set forth therein. Such determination as to strength, quality, or purity shall be made in accordance with the tests or methods of assay set forth in such compendium, or in the absence of or inadequacy of such tests or methods of assay, those prescribed under authority of the federal act. No drug defined in the United States pharmacopoeia or the national formulary shall be deemed to be adulterated under this paragraph because it differs from the standard of strength, quality, or purity therefor set forth in such compendium, if its difference in strength, quality, or purity from such standard is plainly stated on its label;

(3) if it is not subject to the provisions of paragraph (2) of this section and its strength differs from, or its purity or quality differs from that which it purports or is represented to possess;

(4) if any substance has been mixed or packed therewith so as to reduce its quality or strength, or substituted wholly or in part therefor.

Sec. 17. Minnesota Statutes 1967, Chapter 151, is amended by adding a section to read:

[151.36] Drugs, misbranding. *A drug shall be deemed to be misbranded:*

(1) if its labeling is false or misleading in any particular;

(2) if in package form and not dispensed pursuant to a prescription unless it bears a label containing (a) the name and place of business of the manufacturer, packer, or distributor, (b) a statement of identity, and (c) an accurate statement of the net quantity of the contents in terms of weight, measure, or numerical count, provided, however, that under (c) of this paragraph reasonable variations shall be permitted, and exceptions as to small packages shall be allowed in accordance with the federal act;

(3) if any word, statement, or other information required by or under authority of this chapter to appear on the label or labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs or devices, in the labeling) and in such terms as to render it to be read and understood by the ordinary individual under customary conditions of purchase and use;

(4) if it otherwise fails to meet the labeling requirements of the federal act.

Sec. 18. Minnesota Statutes 1967, Chapter 151, is amended by adding a section to read:

[151.37] Legend drugs, who may prescribe, possess. *Subdivision 1. Except as otherwise provided in this chapter, it shall be unlawful for any person to have in his or its possession, or to sell, give away, barter, exchange, or distribute a legend drug.*

Subd. 2. A licensed practitioner in the course of his professional practice only, may prescribe, administer, and dispense a legend drug, or he may cause the same to be administered by a nurse or intern under his direction and supervision.

Subd. 3. A licensed doctor of veterinary medicine, in the course of his professional practice only and not for use by a human being, may prescribe, administer, and dispense a legend drug, and he may cause the same to be administered by an assistant under his direction and supervision.

Subd. 4. Any qualified person may use legend drugs in the course of a bona fide research project, but cannot administer or dispense such drugs to human beings unless such drugs are prescribed, dispensed, and administered by a person lawfully authorized to do so.

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.

Subd. 6. Nothing in this chapter shall prohibit the possession of a legend drug by an employee or agent of a registered manufacturer, registered drug wholesaler, or registered pharmacy, while acting in the course of his employment.

Subd. 7. Nothing in this chapter shall prohibit the possession of a legend drug by a person for his own use when it has been dispensed to him pursuant to a written or oral prescription by a practitioner.

Subd. 8. It shall be unlawful for any person to procure, attempt to procure, possess or have in his control a legend drug by any of the following means:

(a) deceit, misrepresentation, or subterfuge;

(b) using a false name;

(c) falsely assuming the title of, or falsely representing any

person to be a manufacturer, wholesaler, pharmacist, practitioner, or other authorized person for the purpose of obtaining a legend drug.

Sec. 19. Minnesota Statutes 1967, Chapter 151, is amended by adding a section to read:

[151.39] Embargoes. *(1) Whenever a duly authorized agent of the board finds or has probable cause to believe that any drug or medicine is adulterated, or so misbranded as to be dangerous or fraudulent, he shall affix thereto an appropriate marking, giving notice that such article is, or is suspected of being, adulterated or misbranded and has been embargoed, and warning that it is unlawful for any person to remove or dispose of such embargoed article by sale or otherwise without permission from the agent or the court.*

(2) When an embargoed article has been found by such agent to be adulterated, or misbranded, the board shall, within 30 days, petition the district court in whose jurisdiction the article is embargoed for an order of condemnation. When an embargoed article is not so found by the agent he shall remove the marking.

(3) If the court finds that an embargoed article is adulterated or misbranded, such article shall be destroyed at the expense of the claimant thereof, who shall also pay all court costs and fees, storage and other proper expenses; provided, that when the adulteration or misbranding can be corrected by proper labeling or processing of the article, the court, after such costs, fees, and expenses have been paid and a sufficient bond has been executed, may order that such article be delivered to the claimant for such labeling or processing under supervision of an agent of the board. The expense of such supervision shall be paid by claimant. The bond shall be returned to the claimant on the representation to the court by the board that the article is no longer in violation of this chapter and that the expenses of such supervision have been paid.

Sec. 20. Minnesota Statutes 1967, Chapter 151, is amended by adding a section to read:

[151.40] Distressed drugs. *Subdivision 1. Distressed drugs shall mean drugs or medicines which have been subjected to accident, fire, flood, adverse temperatures, or other physical influences which could affect the potency, quality, purity, or efficacy of such drug or medicine could otherwise cause the drug or medicine to be adulterated or misbranded within the meaning of the provisions of this chapter.*

Subd. 2. No person shall sell, barter, vend, give away, or exchange distressed drugs until the board has determined that such

drugs are not adulterated or misbranded within the meaning of this chapter.

Subd. 3. Every person who owns or has under his control distressed drugs shall immediately notify the board of the existence of such drugs and the location thereof and the board shall promptly cause an inspection and examination to be made of such drugs.

Subd. 4. The board shall, within 30 days of such notification, indicate whether or not it has probable cause to believe that such drugs are adulterated or misbranded within the meaning of this chapter. If the board determines that no such probable cause exists, it shall furnish the owner or person having control of such drugs a written certificate to that effect. If the board has probable cause to believe that the drugs are adulterated or misbranded, it shall follow the procedure set forth in section 20 of this act.

Sec. 21. Minnesota Statutes 1967, Chapter 151, is amended by adding a section to read:

[151.41] Possession and sale of hypodermic syringes and needles. *It shall be unlawful for any person to possess, have under his control, manufacture, sell, furnish, dispense, or otherwise dispose of hypodermic syringes or needles or any instrument or implement which can be adapted for subcutaneous injections, except by the following persons when acting in the course of their practice or employment: licensed practitioners, registered pharmacies and their employees or agents, registered pharmacists, licensed doctors of veterinary medicine or their assistants, registered nurses, registered medical technologists, medical interns, registered drug wholesalers, their employees or agents, licensed hospitals, licensed nursing homes, bona fide hospitals where animals are treated, licensed morticians, syringe and needle manufacturers, their dealers and agents, persons engaged in animal husbandry, clinical laboratories, persons engaged in bona fide research or education or industrial use of hypodermic syringes and needles provided such persons cannot use hypodermic syringes and needles for the administration of drugs to human beings unless such drugs are prescribed, dispensed, and administered by a person lawfully authorized to do so, persons who administer drugs pursuant to an order or direction of a licensed doctor of medicine or of a licensed doctor of osteopathy duly licensed to practice medicine.*

Sec. 22. *Minnesota Statutes 1967, Sections 151.20; 152.01, Subdivisions 3 and 4; 152.02; 152.03; 152.04; 152.05; 152.06; 152.07; 152.08; 152.14; and 152.15, Subdivision 1, are repealed.*

Approved June 4, 1969.

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