

display, or sale. The court may also order that counterfeits or imitations in the possession or under the control of a defendant be delivered to an officer of the court, or to the complainant, to be destroyed. The court, in its discretion, may enter judgment for an amount not to exceed three times the profits and damages and reasonable attorneys' fees of the prevailing party if the court finds the other party committed the wrongful acts with knowledge or in bad faith or otherwise as according to the circumstances of the case.

**Sec. 12. [333.305] FORUM FOR ACTIONS REGARDING REGISTRATION; SERVICE ON OUT-OF-STATE REGISTRANTS.**

(a) Actions to require cancellation of a mark registered according to sections 333.18 to 333.31 or in mandamus to compel registration of a mark according to sections 333.18 to 333.31 shall be brought in the district court. In an action in mandamus, the proceeding shall be based solely upon the record before the secretary of state. In an action for cancellation, the secretary of state shall not be made a party to the proceeding but shall be notified of the filing of the complaint by the clerk of the court in which it is filed and shall be given the right to intervene in the action.

(b) In an action brought against a nonresident registrant, service may be effected upon the secretary of state as agent for service of the registrant according to the procedures established for service upon nonresident corporations and business entities under section 5.25.

**Sec. 13. REPEALER.**

Minnesota Statutes 1996, section 325D.165, is repealed.

Presented to the governor March 19, 1998

Signed by the governor March 23, 1998, 10:36 a.m.

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**CHAPTER 316—S.F.No. 2207**

*An act relating to health; exempting certain prescriptions from bearing a federal drug enforcement administration registration number; restricting the use and the release of the federal drug enforcement administration registration number; amending Minnesota Statutes 1996, section 152.11, by adding subdivisions.*

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1996, section 152.11, is amended by adding a subdivision to read:

**Subd. 2a. FEDERAL REGISTRATION NUMBER EXEMPTION.** A prescription need not bear a federal drug enforcement administration registration number that authorizes the prescriber to prescribe controlled substances if the drug prescribed is not a controlled substance in schedule II, III, IV, or V. No person shall impose a requirement inconsistent with this subdivision.

Sec. 2. Minnesota Statutes 1996, section 152.11, is amended by adding a subdivision to read:

**New language is indicated by underline, deletions by strikeout.**

**Subd. 2b. RESTRICTION ON RELEASE OF FEDERAL REGISTRATION NUMBER.** No person or entity may offer for sale, sell, lease, or otherwise release a federal drug enforcement administration registration number for any reason, except for drug enforcement purposes authorized by this chapter and the federal controlled substances registration system. For purposes of this section, an entity includes a state governmental agency or regulatory board, a health plan company as defined under section 62Q.01, subdivision 4, a managed care organization as defined under section 62Q.01, subdivision 5, or any other entity that maintains prescription data.

Sec. 3. Minnesota Statutes 1996, section 152.11, is amended by adding a subdivision to read:

**Subd. 2c. RESTRICTION ON USE OF FEDERAL REGISTRATION NUMBER.** No entity may use a federal drug enforcement administration registration number to identify or monitor the prescribing practices of a prescriber to whom that number has been assigned, except for drug enforcement purposes authorized by this chapter and the federal controlled substances registration system. For purposes of this section, an entity includes a health plan company as defined under section 62Q.01, subdivision 4, a managed care organization as defined under section 62Q.01, subdivision 5, or any other entity that maintains prescription data.

Sec. 4. **EFFECTIVE DATE.**

Sections 1 to 3 are effective 24 months after the date on which a unique health identifier is adopted or established under United States Code, title 42, sections 1320d to 1320d-8 (1996 and subsequent amendments).

Presented to the governor March 19, 1998

Signed by the governor March 23, 1998, 10:53 a.m.

#### CHAPTER 317—S.F.No. 2447

*An act relating to health professions; modifying provisions relating to speech-language pathologists, unlicensed mental health practitioners, alcohol and drug counselors, physical therapists, and hearing instrument dispensers; authorizing exempt rulemaking; amending Minnesota Statutes 1996, sections 144.335, subdivision 1; 148.515, subdivision 3; 148.518, subdivision 2; 148.5191, subdivisions 1, 3, and 4; 148.5194; 148.5195, subdivision 3; 148.76, subdivision 2; 148B.69, by adding a subdivision; 148C.04, subdivision 3; 148C.05, subdivision 2; 148C.06; 153A.13, subdivision 5; 153A.14, subdivisions 2a, 2b, 2d, 2f, 2h, 9, and 10; 153A.15, subdivision 1, and by adding a subdivision; and 153A.20, subdivision 3; Minnesota Statutes 1997 Supplement, sections 148C.03, subdivision 1; and 148C.11, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 148; repealing Minnesota Statutes 1996, section 153A.14, subdivision 7.*

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1996, section 144.335, subdivision 1, is amended to read:

Subdivision 1. **DEFINITIONS.** For the purposes of this section, the following terms have the meanings given them:

New language is indicated by underline, deletions by ~~strikeout~~.