

forest nursery account to the forest management investment account in the natural resources fund to provide for cash flow needs. The amount of the transfer shall be repaid to the forest nursery account from the forest management investment account in the natural resources fund no later than June 30, 2012.

EFFECTIVE DATE. This section is effective July 1, 2004.

Sec. 15. **REPEALER.**

Minnesota Statutes 2003 Supplement, section 90.191, subdivisions 3 and 4, are repealed.

Presented to the governor May 18, 2004

Signed by the governor May 20, 2004, 4:45 p.m.

CHAPTER 242—H.F.No. 2391

An act relating to health; modifying authority to dispense controlled substances; requiring a proposal for a program for health care professionals prescribing legend drugs; amending Minnesota Statutes 2002, section 152.11, subdivision 1; Minnesota Statutes 2003 Supplement, section 152.11, subdivision 2.

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

Section 1. Minnesota Statutes 2002, section 152.11, subdivision 1, is amended to read:

Subdivision 1. **WRITTEN PRESCRIPTION REQUIREMENT FOR SCHEDULE II CONTROLLED SUBSTANCES.** No person may dispense a controlled substance included in Schedule II of section 152.02 without a prescription written by a doctor of medicine, a doctor of osteopathy licensed to practice medicine, a doctor of dental surgery, a doctor of dental medicine, a doctor of podiatry, or a doctor of veterinary medicine, lawfully licensed to prescribe in this state, or by a state bordering Minnesota practitioner licensed to prescribe controlled substances by the state in which the prescription is issued, and having a current federal Drug Enforcement Administration registration number. Provided that in emergency situations, as authorized by federal law, such drug may be dispensed upon oral prescription reduced promptly to writing and filed by the pharmacist. Such prescriptions shall be retained in conformity with section 152.101. No prescription for a Schedule II substance may be refilled.

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

For the purposes of this chapter, a written prescription or oral prescription, which shall be reduced to writing, for a controlled substance in schedule II, III, IV or V 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 the controlled substance to be compounded or dispensed, with directions for its use; (3) if a written prescription, it contains the signature, address and federal registry number 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 the prescriber's branch of the healing art; and (4) it shows the date when signed by the prescriber, or the date of acceptance in the pharmacy if an oral prescription. Every licensed pharmacist who compounds any such prescription shall retain such prescription in a file for a period of not less than two 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 this chapter. Every such pharmacist shall distinctly label the container with the directions contained in the prescription for the use thereof.

Sec. 2. Minnesota Statutes 2003 Supplement, section 152.11, subdivision 2, is amended to read:

Subd. 2. **WRITTEN OR ORAL PRESCRIPTION REQUIREMENT FOR SCHEDULE III OR IV CONTROLLED SUBSTANCES.** No person may dispense a controlled substance included in schedule III or IV of section 152.02 without a written or oral prescription from a doctor of medicine, a doctor of osteopathy licensed to practice medicine, a doctor of dental surgery, a doctor of dental medicine, a doctor of podiatry, a doctor of optometry limited to schedule IV, or a doctor of veterinary medicine, lawfully licensed to prescribe in this state or a state bordering Minnesota from a practitioner licensed to prescribe controlled substances by the state in which the prescription is issued, and having a current federal drug enforcement administration registration number. Such prescription may not be dispensed or refilled except with the written or verbal consent of the prescriber, and in no event more than six months after the date on which such prescription was issued and no such prescription may be refilled more than five times.

Sec. 3. **REPORT.**

The health-related licensing boards defined in Minnesota Statutes, section 214.01, subdivision 2, shall work with the University of Minnesota to develop a proposal for a competency-based education and assessment program for professionals authorized to prescribe, dispense, or administer legend drugs. The boards shall report to the senate and house of representatives committees with jurisdiction over health and human services by January 30, 2005.

Presented to the governor May 18, 2004

Signed by the governor May 27, 2004, 3:20 p.m.

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