

CHAPTER 618

OFFENSES RELATING TO NARCOTICS

NOTE: Chapter 618 is the original uniform act in modified form as amended by our legislature. The amended uniform act has been adopted in only five states: Alaska, Louisiana, North Dakota, South Dakota, and Wisconsin.

Laws governing the use of cannabin, marijuana, hashish, are found in section 616.13; and governing the sale and use of barbital in sections 152.01, 152.09 to 152.12, and 152.15.

See as to plants from which marijuana is made, section 20.23.

See also 21 USCA, ss. 188-188n; and 9 Uniform Laws Annotated.

618.01 DEFINITIONS.

Minnesota has power to regulate manufacture, sale, and delivery of narcotics within but not without its borders. OAG July 11, 1945 (156-C).

618.02 ACTS PROHIBITED.

A state in the exercise of its police power has authority to regulate the administration, sale, prescription, and use of dangerous and habit-forming drugs in the interest of public health and welfare; and Laws of Minnesota 1915, c. 260, s. 2 (now Chapter 618), prohibiting a physician from furnishing drugs to habitual users, though authorizing him to give prescriptions therefor in good faith, does not interfere with the enforcement of 26 USCA, ss. 2550 et seq., or 3,220 et seq. State ex rel v Martinson, 144 M 206, 174 NW 823; 41 SC 425, 256 US 41.

618.06 SALES BY RETAIL DRUGGISTS.

A manufacturer of an article or compound imminently dangerous in kind owes to the public a positive and active duty to limit the danger, by labeling or otherwise conveying knowledge of the danger; and the like duty rests upon the vendor who knows of the dangerous qualities of the article sold by him and knows that its label or name does not adequately convey knowledge to the purchaser or public of such danger. McCrossin v Noyes, 143 M 181, 173 NW 566.

618.08 PREPARATIONS EXEMPTED; CONDITIONS OF EXEMPTION.

L. 1941, c. 157, was sponsored by the state pharmaceutical association and was requested by federal enforcement agents. It is an amendment independent of the national conference of commissioners on uniform state laws, but many other states have adopted similar amendments. 26 MLR 221.

618.12 ENFORCEMENT.

Officer's perception by sense of smell of commission of crime as justifying arrest and seizure without warrant. 15 MLR 359.

618.20 STATE DEPARTMENT OF HEALTH TO COOPERATE WITH POLICE OFFICERS.

See, 21 USCA, s. 198.