

tor who had been convicted of grand larceny in the second degree for any period of time summarily without giving prior notice to the licensee or affording him an opportunity to be heard; nor may it revoke the license without prior notice of hearing. OAG May 19, 1952 (225-N).

**149.11 PRE-ARRANGED FUNERAL PLANS; CONTRACTS, TRUST FUNDS**

HISTORY. 1953 c 481 s 1.

**149.12 DEPOSIT OF TRUST FUNDS**

HISTORY. 1953 c 481 s 2.

**149.13 REPORTS**

HISTORY. 1953 c 481 s 3.

**149.14 VIOLATIONS**

HISTORY. 1953 c 481 s 4.

**CHAPTER 150**

**DENTISTS, DENTAL HYGIENISTS**

**DENTISTS**

**150.04 LICENSES**

HISTORY. 1885 c 199 s 5; 1889 c 19 s 5, 12; 1907 c 117; 1911 c 221 s 4; 1927 c 98 s 4; 1935 c 95 s 4; 1951 c 307 s 1; 1953 c 437 s 1.

**150.09 VIOLATION A GROSS MISDEMEANOR**

HISTORY. 1885 c 99 s 6, 9; 1889 c 19 s 9, 10; 1907 c 117; 1911 c 221 s 7; 1927 c 98 s 6; 1935 c 95 s 10.

**CHAPTER 151**

**PHARMACY**

**151.01 DEFINITIONS**

HISTORY. 1885 c 147 s 12; 1891 c 104 s 8; 1913 c 575 s 6; 1937 c 354 s 1.

Pure and concentrated vitamins or combinations of pure and concentrated vitamins, natural or synthetic, carried in an excipient, solid or liquid, and offered for sale as tablets, capsules, or in liquid form, are "drugs" within the meaning of the pharmacy law. Such preparations are not household preparations sold exclusively for non-medical purposes. They are not excepted from the operation of Minnesota Statutes, Chapter 151, as nonhabit-forming, harmless, proprietary medicines. *Culver v Nelson*, 237 M 65, 54 NW(2d) 7.

Restrictions of the sale of vitamin preparations consisting of pure and concentrated vitamins, natural or synthetic, carried singly or in combination with other

vitamins in an excipient, solid or liquid, and offered for sale as tablets, capsules, or in liquid form by pharmacists, is not so foreign to the protection of the public health or welfare as to be violative of Minnesota Constitution, Article I, Section 7, or Article IV, Section 33. *Culver v Nelson*, 237 M 65, 54 NW(2d) 8.

#### 151.06 POWERS AND DUTIES

Duties imposed upon the board of examiners by the legislature, such as examination for registration, cannot be delegated to the secretary of the association. OAG Dec. 22, 1924 (337-B-4).

The state board of pharmacy in addition to the \$10 examination fee may also collect a \$5 registration fee if, after passing the examination, the applicant desires to be registered as a pharmacist. OAG May 3, 1949 (337-B-5).

Employees of state boards are subject to the civil service law. OAG April 2, 1952 (644-B).

#### 151.07 MEETINGS

HISTORY. 1885 c 147 s 156; 189 c 104 s 12; 1899 c 34 s 2, 7; 1913 c 595 s 2; 1923 c 403 s 1; 1937 c 354 s 7; 1953 c 76 s 1.

#### 151.08 COMPENSATION OF MEMBERS OF BOARD

HISTORY. 1885 c 147 s 11; 1891 c 104 s 7; 1899 c 34 s 5; 1921 c 238 s 1; 1937 c 354 s 8; 1953 c 76 s 2.

#### 151.15 COMPOUNDING DRUGS WHEN UNLAWFUL

HISTORY. 1885 c 147 s 1, 12; 1891 c 104 s 1, 8; 1913 c 575 s 10; 1915 c 62 s 1; 1925 c 339; 1937 c 354 s 16.

Pure and concentrated vitamins or combinations of pure and concentrated vitamins, natural or synthetic, carried in an excipient, solid or liquid, and offered for sale as tablets, capsules, or in liquid form, are "drugs" within the meaning of the pharmacy law. Such preparations are not household preparations sold exclusively for non-medical purposes. They are not excepted from the operation of Minnesota Statutes, Chapter 151, as nonhabit-forming, harmless, proprietary medicines. *Culver v Nelson*, 237 M 65, 54 NW(2d) 7.

#### 151.16 VIOLATION A GROSS MISDEMEANOR

HISTORY. 1885 c 147 s 1, 12; 1891 c 104 s 1, 8; 1913 c 575 s 10; 1915 c 62 s 1; 1925 c 339; 1937 c 354 s 17.

#### 151.17 UNLAWFUL USE OF "PHARMACIST"

HISTORY. 1885 c 147 s 1, 12; 1891 c 104 s 1, 8; 1913 c 575 s 10; 1915 c 62 s 1; 1925 c 339; 1937 c 354 s 18.

#### 151.18 UNLAWFUL TO USE MISLEADING NAME

HISTORY. 1885 c 147 s 1, 12; 1891 c 104 s 1, 8; 1913 c 575 s 10; 1915 c 62 s 1; 1925 c 339; 1937 c 354 s 19.

#### 151.19 REGISTRATION OF PHARMACIES; LICENSE; FEE

HISTORY. 1891 c 104 s 12; 1899 c 34 s 6; 1937 c 354 s 20; 1953 c 76 s 3.

#### 151.22 LIABILITY FOR QUALITY OF DRUGS

HISTORY. 1885 c 147, s 13; 1891 c 104 s 9; 1899 c 34 s 3; 1913 c 575 s 9; 1937 c 354 s 23.

# MINNESOTA STATUTES 1953 ANNOTATIONS

## 151.25 PHARMACY

388

Manufacturer of a food or drug product is charged with notice of the quality of the article he has made. He cannot excuse himself for harmful results resulting from its use upon the ground that he did not know its dangerous qualities. Evidence that the product was manufactured and sold for use as a hair shampoo, contained an excessive amount of alkali so that its application to female plaintiff's scalp resulted in complete baldness, was sufficient to sustain a claim for damages. *Pietrus v Watkins*, 229 M 179, 38 NW(2d) 799.

### 151.25 REGISTRATION OF WHOLESALERS; LICENSE; FEE; PROHIBITIONS

HISTORY. 1937 c 354 s 26; 1953 c 76 s 4.

Wholesalers having a branch office within the state are required to have a license for each branch wholesaling drugs and medicine. OAG Aug. 5, 1953 (337-B-2).

### 151.26 EXCEPTIONS

HISTORY. 1885 c 147 s 12; 1891 c 104 s 8; 1913 c 75 s 6; 1929 c 103 s 1; 1937 c 354 s 27; 1953 c 76 s 5.

Pure and concentrated vitamins or combinations of pure and concentrated vitamins, natural or synthetic, carried in an excipient, solid or liquid, and offered for sale as tablets, capsules, or in liquid form, are "drugs" within the meaning of the pharmacy law. Such preparations are not household preparations sold exclusively for non-medical purposes. They are not excepted from the operation of Minnesota Statutes, Chapter 151, as nonhabit-forming, harmless, proprietary medicines. *Culver v Nelson*, 237 M 65, 54 NW(2d) 7.

### 151.28 BOARD MAY TURN OVER FUNDS FOR ADVANCEMENT OF SCIENCE OF PHARMACY

HISTORY. 1913 c 575 s 11; 1937 c 354 s 29.

### 151.30 COUNTY ATTORNEY TO PROSECUTE

HISTORY. 1885 c 147 s 1, 12; 1891 c 104 s 1; 1913 c 575 s 10; 1915 c 62 s 1; 1925 c 339; 1929 c 103 s 1; 1937 c 354 s 31.

151.32 Unnecessary.

## CHAPTER 152

### PROHIBITED DRUGS

#### 152.01 DEFINITIONS

Vitamin tablets and preparations are "drugs" within the meaning of the pharmacy law. Vitamins affect the structure and functions of the body in a manner not effected by food. Vitamins cannot be sold by grocery stores. *Culver v Nelson*, 237 M 65, 54 NW(2d) 7.

#### 152.09 SALE OF CERTAIN DRUGS PROHIBITED

A licensed chiroprapist may use narcotics for a local anaesthetic but may not prescribe narcotics by prescription for use by a patient. OAG Dec. 21, 1951 (546-D).