

## CHAPTER 152

## PROHIBITED DRUGS

Sec.	Definitions
152.01	Rules and regulations
152.041	Stimulant or depressant drugs, prescription
152.09	Sales, persons eligible
152.10	Manufacturers, records

Sec.	Definitions
152.11	Written or oral prescriptions, requisites
152.12	Doctors may prescribe
152.13	Duties of state board of pharmacy
152.15	Violations; penalties
152.17	Sale of peyote illegal

**152.01 DEFINITIONS.** Subdivision 1. **Words, terms, and phrases.** Unless the language or context clearly indicates that a different meaning is intended, the following words, terms, and phrases, for the purposes of this chapter, shall be given the meanings subjoined to them.

**Subd. 2. Drug.** The term "drug" includes all medicines and preparations recognized in the United States pharmacopoeia or national formulary and any substance or mixture of substances intended to be used for the cure, mitigation, or prevention of disease of either man or other animals.

**Subd. 3.** [Repealed, 1969 c 933 s 22]

**Subd. 4.** [Repealed, 1969 c 933 s 22]

**Subd. 5. Depressant or stimulant.** The term "depressant or stimulant drug" means: any drug which contains any quantity of barbituric acid or any of the salts or derivatives of barbituric acid; any drug which contains any quantity of amphetamine or any of its optical isomers; any salt of amphetamine or any salt of an optical isomer of amphetamine; d-, dl-methamphetamine and their salts; chloral hydrate, ethchlorvynol, ethinamate, glutethimide, methyprylon, paraldehyde, dimethyltryptamine, d-lysergic acid diethylamide or any of its salts, mescaline and its salts, psilocybin, psilocibin, psilocyn, phenmetrazine and its salts, chloral betaine, chlorhexadol, petrichloral, sulfondiethylmethane, sulfonethylmethane, sulfonmethane, lysergic acid, and lysergic acid amide; or any other drug which contains a quantity of a substance designated by regulations promulgated by the board of pharmacy as having shown a potential for abuse and injurious to health because of its depressant or stimulant effect on the central nervous system or its hallucinogenic effect.

**Subd. 6. Pharmacist intern.** The term "pharmacist intern" means a natural person, a graduate of the college of pharmacy, university of Minnesota, or other pharmacy college, approved by the board, or a person satisfactorily progressing toward the degree in pharmacy required for licensure, registered by the state board of pharmacy, for the purpose of obtaining practical experience as a requirement for licensure as a pharmacist or a qualified applicant, awaiting licensure.

**Subd. 7. Manufacturing.** "Manufacturing", in places other than a pharmacy, means and includes the production, quality control, and standardization by mechanical, physical, chemical, or pharmaceutical means, packing, repacking, tableting, encapsulating, labeling, relabeling, filling, or by other process, of drugs.

[1921 c 190 s 2, 5, 7; 1939 c 102 s 2; 1967 c 408 s 1, 2] (3899-2, 3899-5, 3899-7, 3906-12)

**152.02** [Repealed, 1969 c 933 s 22]

**152.03** [Repealed, 1969 c 933 s 22]

**152.04** [Repealed, 1969 c 933 s 22]

**152.041 RULES AND REGULATIONS.** The board of pharmacy is authorized to promulgate regulations to regulate and define drugs which contain a quantity of a substance having shown a potential for abuse and injurious to health because of its depressant or stimulant effect on the central nervous system or its hallucinogenic effect. All provisions of this chapter shall be applicable to the drugs so designated by such board.

[1967 c 408 s 3]

**152.05** [Repealed, 1969 c 933 s 22]

**152.06** [Repealed, 1969 c 933 s 22]

**152.07** [Repealed, 1969 c 933 s 22]

**152.08** [Repealed, 1969 c 933 s 22]

**152.09 STIMULANT OR DEPRESSANT DRUGS, PRESCRIPTION.** Subdivision 1. Except as otherwise provided in this chapter, it shall be unlawful for any

person, firm, or corporation to have in his, or its, possession, except when such possession is for his own use and is authorized by law or to sell, give away, barter, exchange, or distribute a stimulant or depressant drug except (1) on a written prescription of a doctor of medicine, a doctor of osteopathy licensed to practice medicine, a doctor of dental surgery, or a doctor of veterinary medicine, lawfully practicing his profession in this state; or (2) on an oral prescription of any of the practitioners named above and which is reduced promptly to writing and filed within 48 hours.

Subd. 2. In any complaint, information or indictment, and in any action or proceeding brought for the enforcement of any provision of this section, possession of a stimulant or depressant drug except as authorized by law shall be sufficient evidence of violation from which guilt may be inferred.

[1939 c 102 s 1; 1955 c 185 s 1; 1967 c 408 s 4] (3906-11)

**152.10 SALES, PERSONS ELIGIBLE.** No person other than a licensed pharmacist, assistant pharmacist or pharmacist intern under the supervision of a pharmacist shall sell a stimulant or depressant drug and then only as provided in sections 152.09 to 152.12.

[1939 c 102 s 3; 1967 c 408 s 5] (3906-13)

**152.101 MANUFACTURERS, RECORDS.** Subdivision 1. Every person engaged in manufacturing, compounding, processing, selling, delivering or otherwise disposing of any depressant or stimulant drug shall, upon July 1, 1967, prepare a complete and accurate record of all stocks of each drug on hand and shall keep such record for three years. When additional depressant or stimulant drugs are designated after July 1, 1967, a similar record must be prepared upon the effective date of their designation. On and after July 1, 1967, every person manufacturing, compounding or processing any depressant or stimulant drug shall prepare and keep, for not less than three years, a complete and accurate record of the kind and quantity of each drug manufactured, compounded or processed and the date of such manufacture, compounding, or processing; and every person selling, delivering, or otherwise disposing of any depressant or stimulant drug shall prepare or obtain, and keep for not less than three years, a complete and accurate record of the kind and quantity of each such drug received, sold, delivered, or otherwise disposed of, the name and address from whom it was received and to whom it was sold, delivered or otherwise disposed of, and the date of such transaction. If these records have already been prepared in accordance with federal law, no additional records shall be required provided that all records prepared under federal law have been retained and are made available to the appropriate state agency upon request.

Subd. 2. This section shall not apply to a licensed doctor of medicine, a doctor of osteopathy duly licensed to practice medicine, a licensed doctor of dentistry, or licensed doctor of veterinary medicine in the course of his professional practice, unless such practitioner regularly engages in dispensing any such drugs to his patients for a fee.

[1967 c 408 s 6]

**152.11 WRITTEN OR ORAL PRESCRIPTIONS, REQUISITES.** Subdivision 1. For the purposes of sections 152.09 to 152.12, a written or oral prescription, which shall be reduced to writing, for a depressant or stimulant drug 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 depressant or stimulant drug to be compounded or dispensed, with directions for its use; (3) if a written prescription, it contains the signature and address 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 his 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 three 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. No such written or oral prescription shall be refilled, except with the written or verbal consent of the prescriber; provided, that the date of such consent must be recorded, upon the original prescription by the pharmacist who refills the prescription, together with the initials of the pharmacist; and that in event of verbal consent, it must be direct from the prescriber to the pharmacist. Every such pharmacist shall distinctly label the container with the directions contained in the prescription for the use thereof.

Subd. 2. No prescription for any depressant or stimulant drug may be filled or refilled more than six months after the date on which such prescription was issued and no such prescription may be refilled more than five times except that after obtaining proper authorization from the practitioner the prescription may be refilled in accordance with the previous limitations.

[1939 c 102 s 4; 1939 c 193 s 4; 1955 c 185 s 2; 1967 c 408 s 7] (3906-14)

**152.12 DOCTORS MAY PRESCRIBE.** Subdivision 1. A licensed doctor of medicine, a doctor of osteopathy, duly licensed to practice medicine, or a licensed doctor of dentistry, and in the course of his professional practice only, may prescribe, administer, and dispense a stimulant or depressant drug, or he may cause the same to be administered by a nurse or intern under his direction and supervision.

Subd. 2. A licensed doctor of veterinary medicine, in good faith, and in the course of his professional practice only, and not for use by a human being, may prescribe, administer, and dispense a stimulant or depressant drug, and he may cause the same to be administered by an assistant under his direction and supervision.

Subd. 3. Any qualified person may use stimulant or depressant 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. 4. Nothing in sections 152.09 to 152.12 shall prohibit the sale to, or the possession of, a stimulant or depressant drug by registered drug wholesalers, registered manufacturers, registered pharmacies, licensed pharmacists, licensed doctors of medicine, doctors of osteopathy duly licensed to practice medicine, licensed doctors of dentistry, licensed doctors of veterinary medicine, or any licensed hospital or other licensed institutions wherein sick and injured persons are cared for or treated, or bona fide hospitals wherein animals are treated.

Nothing in sections 152.09 to 152.12 shall prohibit the possession of a stimulant or depressant drug by an employee or agent of a registered drug wholesaler, registered manufacturer, or registered pharmacy, while acting in the course of his employment.

Subd. 5. It shall be unlawful for any person to procure, attempt to procure, possess or have in his control a stimulant or depressant by any of the following means:

- (a) fraud, deceit, misrepresentation or subterfuge;
- (b) using a false name or giving false credit;
- (c) falsely assuming the title of, or falsely representing any person to be, a manufacturer, wholesaler, pharmacist, physician, doctor of osteopathy licensed to practice medicine, dentist, veterinarian, or other authorized person, for the purpose of obtaining a stimulant or depressant drug.

[1939 c 102 s 5; 1967 c 408 s 8] (3906-15)

**152.13 DUTIES OF STATE BOARD OF PHARMACY.** It shall be the duty of the state board to enforce the provisions of this chapter, and the power and authority of the board, as now defined by the laws of this state, are hereby extended so as to be commensurate with the duties hereby imposed.

[1921 c 190 s 10; 1967 c 408 s 9] (3899-10)

**152.14** [Repealed, 1969 c 933 s 22]

**152.15 VIOLATIONS; PENALTIES.** Subdivision 1. [Repealed, 1969 c 933 s 22]

Subd. 2. **Gross misdemeanor.** Any person, firm, or corporation that violates any provision of sections 152.09 to 152.12 shall be guilty of a gross misdemeanor; and, upon conviction thereof, punished by a fine of not to exceed \$1,000, or by imprisonment in the county jail for not to exceed one year, or by both such fine and imprisonment.

[1905 c 42; 1909 c 85 s 2; 1921 c 190 s 11; 1939 c 102 s 6; 1967 c 408 s 10] (3899-11, 3906-16, 5810)

**152.16** [Repealed, 1967 c 408 s 11]

**152.17 SALE OF PEYOTE ILLEGAL.** No person shall use, sell, transport, or have in possession any peyote or preparation of peyote. The violation of this section shall be a misdemeanor.

[1933 c 333 s 1, 2] (10278-1, 10278-2)