

each year in the following order: 1971, 1972, 1973, 1974, and 1975, respectively, and thereafter the terms shall be for five years. The terms of the initial public members of the board shall expire four and five years respectively from the date of appointment, and thereafter each term shall be for five years. In the event of more than one appointment at one time, the governor shall designate the order of expiration dates of the terms.

[1973 c 638 s 25]

150A.03 Officers, salaries, expenses, and bonds

[For text of subd. 1, see M.S.1971]

Subd. 2. Out of the funds coming into the possession of the board, the members thereof shall receive as compensation a sum of \$50 per day and necessary traveling expenses for each day actually engaged in the duties of their offices. The secretary-treasurer shall, in addition thereto, be paid a salary in the amount to be set by the board, not to exceed \$4,000 per year. The board may expend funds for administrative, consultant, secretarial, clerical, and stenographic services for the board, the amount of such expenditures to be set by the board after consultation with the civil service commission. The board may accept any funds which may be made available to the board from any source. All funds received by the board under sections 150A.01 to 150A.12 shall be paid to the secretary-treasurer thereof, who shall deposit the same each month with the state treasurer, the funds to be credited to the general fund together with any unexpended balance in the special account of the board as of July 1, 1973. The expenses of administering sections 150A.01 to 150A.12 shall be paid from the appropriation made to the state board of dentistry.

[1973 c 638 s 26]

[For text of subd. 3, see M.S.1971]

CHAPTER 151. PHARMACY

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151.01 Definitions

[For text of subds. 1 to 4, see M.S.1971]

Subd. 5. **Drug.** The term "drug" means all medicinal substances and preparations recognized by the United States pharmacopoeia and national formulary, or any revision thereof, and all substances and preparations intended for external and internal use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animal, and all substances and preparations, other than food, intended to affect the structure or any function of the body of man or other animal.

[1973 c 639 s 1]

[For text of subds. 6 to 13, see M.S.1971]

Subd. 14. **Manufacturing.** The term "manufacturing" except in the case of bulk compounding, prepackaging or extemporaneous compounding within a pharmacy, means and includes the production, quality control and standardization by mechanical, physical, chemical, or pharmaceutical means, packing,

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repacking, tableting, encapsulating, labeling, relabeling, filling or by any other process, of all drugs, medicines, chemicals, or poisons, without exception, for medicinal purposes.

[1973 c 639 s 2].

[For text of subds. 15 to 23, see M.S.1971]

151.02 State board of pharmacy

The Minnesota state board of pharmacy shall consist of two public members as defined for purposes of Laws 1973, Chapter 638 and five pharmacists actively engaged in the practice of pharmacy in this state. Each of said pharmacists shall have had at least five consecutive years of practical experience as a pharmacist immediately preceding his appointment.

[1973 c 638 s 27]

151.03 Appointment of members

The members of the state board of pharmacy shall be appointed by the governor, each to serve for a term of five years and until his successor shall have been appointed and has qualified, provided that the initial public members shall serve terms of four and five years respectively. Vacancies shall be filled by the appointment for the unexpired term. Any pharmacist on the board who, during his incumbency, ceases to be actively engaged in the practice of pharmacy in this state shall be automatically disqualified from membership. Any member may be removed from office by the governor upon proof of malfeasance or misfeasance in office. The members of the board heretofore appointed and now holding office shall continue until their respective terms expire.

[1973 c 638 s 28]

151.04 Recommended names

The Minnesota state pharmaceutical association may recommend five names for each pharmacist to be appointed.

[1973 c 638 s 29]

151.06 Powers and duties

[For text of subds. 1 and 2, see M.S.1971]

Subd. 2a. Each pharmacy shall post and maintain in a conspicuous place a list easily read by consumers which shall contain the names and current prices of the 60 prescription drugs most frequently dispensed by such pharmacy based upon the dollar volume of sales. Each pharmacy shall also, upon request, including requests by telephone, provide to consumers who possess a prescription for any drug, the current price of such drug.

[1973 c 722 s 2]

[For text of subds. 3 and 4, see M.S.1971]

151.061 Unfair price discrimination

Subdivision 1. Any person doing business in this state and engaged in the distribution (other than at retail) of any prescription drugs, who shall discriminate between purchasers by selling prescription drugs at a lower price or rate to one purchaser or association of purchasers than offered to another purchaser or association of purchasers within this state (other than at retail) after making allowance for the difference, if any, in the grade, quality, or quantity, and after equalizing the distance from the point of distribution and freight costs therefrom, shall be guilty of unfair discrimination. Unfair discrimination occurs when quantity discounts are not reasonably based on actual cost savings to all like purchasers. Unfair discrimination shall embrace any scheme of special rebates, collateral contracts, or any device of any nature which in substance violates the provisions of this subdivision. Nothing

in this subdivision shall apply to purchases for their own use by schools, colleges, universities, public libraries, churches, hospitals or charitable institutions not operated for profit.

Subd. 2. Any person injured by unfair discrimination as defined in subdivision 1 may bring a civil action and recover damages, together with costs and disbursements, including reasonable attorney's fees, and receive other equitable relief as determined by the court. The remedies provided by this section are cumulative and shall not be construed as restricting any remedy which is otherwise available.

[1973 c 722 s 1]

151.10 Qualifications of applicants

To be entitled to examination by the board as a pharmacist the applicant shall be a citizen of the United States, of good moral character, at least 18 years of age, and shall be a graduate of the college of pharmacy of the University of Minnesota or of a college or school of pharmacy in good standing of which the board shall be the judge and shall have completed internship requirements as prescribed by the board. Any person who was qualified and lawfully entitled to be examined by the board as a pharmacist under the laws in force immediately prior to the enactment of Laws 1937, Chapter 354, and who had filed sworn statement of proof with the board prior to March 29, 1930, but was disqualified from taking such examination because of the enactment of Laws 1937, Chapter 354, may take such pharmacists' examination up to and including two years after March 28, 1941.

[1973 c 639 s 3; 1973 c 725 s 20]

151.101 Internship

The board may register as an intern any natural person who has satisfied the board that he is of good moral character, not physically or mentally unfit, and who has successfully completed the educational requirements for intern registration prescribed by the board. The board shall prescribe standards and requirements for internship training but may not require more than one year of such training.

The board in its discretion may accept internship experience obtained in another state provided the internship requirements in such other state are in the opinion of the board equivalent to those herein provided.

[1973 c 639 s 4]

151.12 Reciprocity; registration fee

The board may in its discretion grant registration without examination to any pharmacist licensed by the board of pharmacy or a similar board of another state which accords similar recognition to licensees of this state; provided, the requirements for registration in such other state are in the opinion of the board equivalent to those herein provided. The fee for registration shall be in such amount as the board may determine not exceeding the sum of \$100.

[1973 c 639 s 5]

151.13 Annual renewal fee; continuing education

Subdivision 1. Every person registered by the board shall annually pay to the board a renewal fee to be fixed by it, which fee shall not exceed \$25 for a pharmacist and \$3 for an assistant pharmacist. It shall be unlawful for any such person who refuses or fails to pay such renewal fee to practice pharmacy in this state. Every certificate and every renewal shall expire at the time therein prescribed, not later than one year from its date.

Subd. 2. Commencing March 4, 1975, no annual license renewal shall be issued to a pharmacist until such pharmacist shall have submitted to the board satisfactory evidence that he has completed an accredited program of continu-

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ing pharmaceutical education during the previous two year period. Thereafter, each pharmacist shall submit such evidence every two years. The board shall adopt rules and regulations for accrediting programs, establishing the number of hours of credit for each program, the number of hours, not less than 25 or more than 40, to be completed in each two year period by each pharmacist, and such other rules as are necessary to implement, enforce, and administer this subdivision. No annual license renewal shall be issued by the board subsequent to March 4, 1975 unless the provisions of this subdivision are complied with, provided that the board may grant a pharmacist, upon application, an extension of time not to exceed one year to comply with the requirements of this subdivision. Such extension shall not relieve the pharmacist from complying with the continuing education requirements for any other two year period. The board shall appoint an advisory council on continuing education, consisting of not more than ten members, to study continuing education programs and requirements and to submit its report and recommendations to the board. Members of the advisory council shall serve without compensation, shall not be considered state employees by virtue of such appointment, but may be reimbursed by the board for all necessary expenses incurred in the performance of their duties in the same manner as other state employees and officers are reimbursed for such expenses. Five members of the advisory council shall be pharmacists designated by the Minnesota state pharmaceutical association and three members shall be pharmacists designated by the college of pharmacy of the university of Minnesota.

[1973 c 655 s 1]

151.14 Reinstatements

Any person who has been registered by the board and has defaulted in the payment of the renewal fee may be reinstated within two years of such default without examination, upon payment of the arrears and upon compliance with the provisions of section 151.13, subdivision 2.

[1973 c 655 s 2]

151.211 Records of prescriptions

All prescriptions dispensed shall be kept on file in the pharmacy in which such dispensing occurred for a period of at least two years. No prescription shall be refilled except with the written or verbal consent of the prescriber; provided that the date of such refill must be recorded upon the original prescription by the pharmacist, assistant pharmacist or pharmacist intern who refills the prescription and initialed by him.

[1973 c 639 s 6]

151.25 Registration of manufacturers or wholesalers; license; fee; prohibitions

The board shall require and provide for the annual registration of every person engaged in manufacturing or selling at wholesale drugs, medicines, chemicals or poisons for medicinal purposes, now or hereafter doing business within this state. Upon a payment of a fee of \$50 the board shall issue a license in such form as it may prescribe to such manufacturer or wholesaler. Such license shall be exposed in a conspicuous place in such manufacturer's or wholesaler's place of business for which it is issued and expire on the 13th day of June following the date of issue. It shall be unlawful for any person to manufacture or sell at wholesale drugs, medicines, chemicals or poisons for medicinal purposes unless such a license has been issued to him by the board. It shall be unlawful for any person engaged in the manufacture or selling at wholesale, or his agent, to sell legend drugs to other than a pharmacy, except as provided in this chapter.

[1973 c 639 s 7]

151.26 Exceptions

Subdivision 1. Nothing in this chapter shall subject a person duly licensed in this state to practice medicine, dentistry, or veterinary medicine, to inspection by the state board of pharmacy, nor to prevent him from compounding or using drugs, medicines, chemicals, or poisons in his practice, nor prevent one duly licensed to practice medicine from furnishing to a patient such drugs, medicines, chemicals, or poisons as he deems proper in the treatment of such patient.

Nothing in this chapter shall prevent the sale of drugs, medicines, chemicals, or poisons at wholesale to licensed physicians, dentists and veterinarians for use in their practice, nor to hospitals for use therein.

Nothing in this chapter shall prevent the sale of drugs, chemicals, or poisons either at wholesale or retail for use for commercial purposes, or in the arts, nor interfere with the sale of insecticides, as defined in section 24.069, and nothing in this chapter shall prevent the sale of common household preparations and other drugs, chemicals, and poisons sold exclusively for use for non-medicinal purposes.

Nothing in this chapter shall apply to or interfere with the vending or retailing of any non-prescription medicine or drug not otherwise prohibited by statute which is prepackaged, fully prepared by the manufacturer or producer for use by the consumer, and labeled in accordance with the requirements of the state or federal food and drug act; nor to the manufacture, wholesaling, vending, or retailing of flavoring extracts, toilet articles, cosmetics, perfumes, spices, and other commonly used household articles of a chemical nature, for use for non-medicinal purposes. Nothing in this chapter shall prevent the sale of drugs or medicines by licensed pharmacists at a discount to persons over 65 years of age.

[1973 c 639 s 8]

Subd. 2. [Repealed, 1973 c 639 s 11]

151.27 Deposit of fees

All fees received by the board under this chapter shall be forthwith deposited with the state treasurer to be kept in a separate fund, which shall be deposited in the general fund in the state treasury together with any unexpended balance in the special fund of the board as of July 1, 1973. All expenditures of the board and all expenses necessarily paid or incurred thereby, in the exercise of its powers or the performance of its duties under this chapter, shall be paid out of this fund. Payments out of the fund shall be made only upon written orders issued and signed by the secretary of the board. The expenses of administering sections 151.01 to 151.40 shall be paid from the appropriations made to the state board of pharmacy.

[1973 c 638 s 30]

151.37 Legend drugs, who may prescribe, possess

[For text of subds. 1 to 4, see M.S.1971]

Subd. 5. Nothing in this chapter shall prohibit the sale to, or the possession of, a legend drug by registered drug wholesalers, registered manufacturers, registered pharmacies, any licensed hospital or bona fide hospitals where in animals are treated or licensed pharmacists and licensed practitioners while acting within the course of their practice only.

[1973 c 639 s 9]

[For text of subds. 6 to 8, see M.S.1971]

151.39 Distressed drugs

[For text of subds. 1 to 3, see M.S.1971]

Subd. 3a. No person may import distressed drugs into this state without notification to the board of the source, destination, kind and quantity of such

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drugs. Such drugs may not be sold or offered for sale without written approval of the board. The board shall grant such approval when the applicant has clearly demonstrated that such distressed drugs were inspected on the site within a reasonable period after the occurrence set forth in subdivision 1 by an agency of the foreign state satisfactory to the board and the furnishing of a written certification by such agency in such form as is satisfactory to the board indicating that there is no reasonable cause to believe the drugs are not adulterated or misbranded. Nothing herein shall be construed to prevent the board from exerting its authority and rights set forth in section 151.38 after such drugs have entered this state.

[1973 c 639 s 10]

[For text of subd. 4, see M.S.1971]

CHAPTER 152. PROHIBITED DRUGS

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152.01	Definitions.	152.11	Written or oral prescriptions, requisities.
152.02	Schedules of controlled substances; administration of chapter.	152.12	Doctors may prescribe.
152.09	Prohibited acts.	152.15	Violations; penalties.
152.101	Manufacturers, records.	152.18	Discharge and dismissal.
		152.19	Forfeitures.

152.01 Definitions

[For text of subds. 1 to 16, see M.S.1971]

Subd. 17. Appropriate state agency. "Appropriate agency" means either the bureau of criminal apprehension, the state board of pharmacy, state highway patrol, county sheriffs and their deputies, or city police departments in municipalities containing 25,000 or more inhabitants.

[1973 c 693 s 1]

152.02 Schedules of controlled substances; administration of chapter

[For text of subds. 1 to 10, see M.S.1971]

Subd. 11. The state board of pharmacy shall appoint an advisory council on controlled substances consisting of not more than 13 members, who shall serve without compensation, to advise it in the administration of this chapter.

Commencing July 1, 1973, six members shall be appointed for a one year term and seven members shall be appointed for a two year term. Thereafter, members shall be appointed for two year terms. Four of the members of the council shall be physicians as designated by the state board of medical examiners. One of the members of the council shall be a pharmacologist, one of the members of the council shall be a pharmacist, and the remainder shall be from among the following: correction or law enforcement officers, judges, representatives of drug treatment or counseling facilities, former drug abusers, education, and students. The members of the council shall select a chairman from among their membership, who may call meetings of the council when deemed appropriate, and shall call meetings of the council when requested to do so by any four members of the council.

[1973 c 693 s 2]

Subd. 12. If any substance is designated, rescheduled, or deleted as a controlled substance under federal law and notice thereof is given to the state board of pharmacy, the state board of pharmacy shall similarly control the substance under Laws 1973, Chapter 693 after the expiration of 30 days from publication in the federal register of a final order designating a substance as a controlled substance or rescheduling or deleting a substance. Such order shall be filed pursuant to section 15.0413. If within that 30 day period, the state board of pharmacy objects to inclusion, rescheduling, or deletion, it shall publish the reasons for objection and afford all interested parties an opportunity to be heard. At the conclusion of the hearing, the state board of phar-