## 151.01 PHARMACY

### CHAPTER 151. PHARMACY



**151.01 Definitions.**

[*For text of subds 1 to 23, see M.S.1974*]

**Subd. 24. Brand name.** "Brand name" means the registered trademark name given to a drug product by its manufacturer, labeler or distributor.

**Subd. 25. Generic name.** "Generic name" means the established name or official name of a drug or drug product.

**Subd. 26. Finished dosage form.** "Finished dosage form" means that form of a drug which is or is intended to be dispensed or administered to the patient and requires no further manufacturing or processing other than packaging, reconstitution, or labeling.

[*1975 c 101 s 1*]

**151.03 Membership.**

Membership terms, compensation of members, removal of members, the filling of membership vacancies, and fiscal year and reporting requirements shall be as provided in sections 214.07 to 214.09. 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.

[*1975 c 136 s 29*]

**151.06 Powers and duties.**

Subdivision 1. The board of pharmacy shall have the power and it shall be its duty:

(1) To regulate the practice of pharmacy;

(2) To regulate the manufacture, wholesale, and retail sale of drugs or medicines within this state;

(3) To regulate the identity, labeling, purity, and quality of all drugs and medicines dispensed in this state, using the United States pharmacopoeia and the national formulary, or any revisions thereof, or standards adopted under the federal act as the standard;

(4) It may, by its duly authorized representative, enter and inspect any and all places where drugs or medicines are sold, vended, given away, compounded, dispensed, manufactured, wholesaled or held; it may secure samples or specimens of any drug or medicine after paying or offering to pay for such sample; it shall be entitled to inspect and make copies of any and all records of shipment, purchase, manufacture, quality control, and sale of drugs or medicines provided, however, that such inspection shall not extend to financial data, sales data, or pricing data;

(5) To examine and register as pharmacists all applicants whom it shall deem qualified to be such;

(6) To deny, suspend, revoke, or refuse to renew any registration or license required under chapter 151, to any applicant or registrant or licensee upon any of the following grounds:

(a) Fraud or deception in connection with the securing of such license;

(b) In the case of a pharmacist, conviction in any court of a felony;

(c) In the case of a pharmacist, conviction in any court of an offense involving moral turpitude;

(d) Habitual indulgence in the use of narcotics, stimulants, or depressant drugs; or habitual indulgence in intoxicating liquors in a manner which could cause conduct endangering public health;

(e) Unprofessional conduct or conduct endangering public health;

(f) Gross immorality;

(g) Employing, assisting, or enabling in any manner an unlicensed person to practice pharmacy;

(h) Conviction of theft of drugs, or the unauthorized use, possession, or sale thereof;

(i) Violation of any of the provisions of this chapter or any of the rules or regulations of the state board of pharmacy;

(j) In the case of a pharmacy license, operation of such pharmacy without a pharmacist present and on duty;

(k) In the case of a pharmacist, physical or mental disability which could cause incompetency in the practice of pharmacy;

(7) To employ necessary assistants and make rules for the conduct of its business;

(8) To perform such other duties and exercise such other powers as the provisions of the act may require;

(9) For the purposes aforesaid it shall be the duty of the board to make and publish uniform rules and regulations not inconsistent herewith for carrying out and enforcing the provisions of this chapter.

[*1975 c 136 s 30*]

[*For text of subds 2 to 4, see M.S.1974*]

**151.07 Meetings; examination fee.**

The board shall meet at times as may be necessary and as it may determine to examine applicants for registration and to transact its other business, giving reasonable notice of all examinations by mail to known applicants therefor. The secretary shall record the names of all persons registered by the board, together with the grounds upon which the right of each to registration was claimed. The fee for examination shall be in such amount as the board may determine not exceeding the sum of $50, which fee may in the discretion of the board be returned to applicants not taking the examination.

[*1975 c 136 s 31*]

**151.08** [Repealed, 1975 c 136 s 77]

**151.21 Substitution.**

Subdivision 1. Except as provided in subdivision 2, it shall be unlawful for any pharmacist, assistant pharmacist, or pharmacist intern who dispenses prescriptions, drugs, and medicines to substitute an article different from the one ordered, or deviate in any manner from the requirements of an order or prescription without the approval of the prescriber.

Subd. 2. A pharmacist who receives a prescription for a brand name legend drug may, with the written or verbal consent of the purchaser, dispense any drug having the same generic name as the brand name drug prescribed if the prescriber has not written in his own handwriting "dispense as written" or "D.A.W." on the prescription or, when an oral prescription is given, has not expressly indicated the prescription is to be dispensed as communicated. A pharmacist who receives a prescription marked "D.A.W." or "dispense as written", or an oral prescription indicating that the prescription is to be dispensed as communicated, may substitute for the prescribed brand name drug a generically equivalent drug product which is manufactured in the same finished dos-

age form having the same active ingredients and strength by the same manufacturer as the prescribed brand name drug. A pharmacist may also substitute pursuant to the oral instructions of the prescriber. A pharmacist may not substitute a generically equivalent drug product unless, in the pharmacist's professional judgment, the substituted drug is therapeutically equivalent and interchangeable to the prescribed drug. A pharmacist shall notify the purchaser if he is dispensing a drug other than the brand name drug prescribed.

Subd. 3. A pharmacist dispensing a drug under the provisions of subdivision 2 shall not dispense a drug of a higher retail price than that of the brand name drug prescribed. Any difference between acquisition cost to the pharmacist of the drug dispensed and the brand name drug prescribed shall be passed on to the purchaser.

[*1975 c 101 s 2*]

**151.212 Label of prescription drug containers.**

**Subdivision 1. Prescription drugs.** Drugs dispensed pursuant to a prescription shall bear a label permanently affixed to the immediate container in which the drug is dispensed and which is received by the purchaser. The label shall bear the name of the manufacturer of the finished dosage form of the drug and all other information required by law and by regulations of the board.

**Subd. 2. Controlled substances.** In addition to the requirements of subdivision 1, when the use of any drug containing a controlled substance, as defined in chapter 152, either alone or in conjunction with alcoholic beverages, may impair the ability of the user to operate a motor vehicle, that fact shall be prominently set forth on the label or container.

[*1975 c 101 s 3; 1975 c 356 s 1*]

**151.361 Manufacturer disclosure.**

The manufacturer, packager, or distributor of any human use legend drug sold, delivered, or offered for sale in the state of Minnesota after January 1, 1976 must have printed on the label on the immediate container of the drug the name and address of the manufacturer of the finished dosage form of the drug. Failure to comply with this requirement shall subject a drug to embargo in accordance with section 151.38.

[*1975 c 101 s 4*]

**151.38 Embargoes.**

(1) Whenever a duly authorized agent of the board finds or has probable cause to believe that any drug or medicine is adulterated, or so misbranded as to be dangerous or fraudulent, or is being sold, delivered, or offered for sale in violation of section 151.361, he shall affix thereto an appropriate marking, giving notice that the article is, or is suspected of being, adulterated, misbranded or sold, delivered, or offered for sale in violation of section 151.361 and has been embargoed, and warning that it is unlawful for any person to remove or dispose of the embargoed article by sale or otherwise without permission from the agent or the court.

(2) When an embargoed article has been found by the agent to be adulterated or misbranded, or is being sold, delivered, or offered for sale in violation of section 151.361, the board shall, within 30 days, petition the district court in whose jurisdiction the article is embargoed for an order of condemnation. When an embargoed article is not so found by the agent he shall remove the marking.

(3) If the court finds that an embargoed article is adulterated or misbranded, or is being sold, delivered, or offered for sale in violation of section 151.361, the article shall be destroyed at the expense of the claimant thereof, who shall also pay all court costs and fees, storage and other proper expenses. If the adulteration or misbranding, or lack of manufacturer disclosure as required by section 151.361 can be corrected by proper labeling or processing of the article, or by filing the proper documents with the court, the court, after

the costs, fees, and expenses have been paid and a sufficient bond has been executed, may order that the article be delivered to the claimant for labeling, processing or filing under supervision of an agent of the board. The expense of the supervision shall be paid by claimant. The bond shall be returned to the claimant on the representation to the court by the board that the article is no longer in violation of this chapter and that the expenses of supervision have been paid.

[*1975 c 101 s 5*]

## CHAPTER 153. PODIATRY



### 153.02 Board of examiners and registration.

The governor shall appoint a board of podiatry examiners and registration consisting of two public members as defined for purposes of Laws 1973, Chapter 638 and five resident podiatrists of good standing in their profession. Membership terms, compensation of members, removal of members, the filling of membership vacancies, and fiscal year and reporting requirements shall be as provided in sections 214.07 to 214.09.

[*1975 c 136 s 32*]

### 153.03 Application for registration; fees; disposition.

Application for registration shall be made upon blanks furnished by the board and signed and sworn to by the applicant.

All fees received by the board shall once a month be paid into the general fund together with any unexpended balance in the special fund of the board as of July 1, 1973. The expenses of administering sections 153.01 to 153.15 shall be paid from the appropriations made to the board.

[*1975 c 136 s 33*]

### 153.04 Registration by examination.

Any person entitled to registration, who shall furnish the board with satisfactory proof that he is 18 years of age or over and of good moral character, provide documentary evidence of preliminary education received prior to entering the study of podiatry equal to that required for completion of four years work in a high school course, and one year in a college of liberal arts, and present a diploma or certificate from a school of podiatry recognized by the board and having a minimum requirement of at least 32 months of course work shall, upon payment of a fee of $50, be examined. If found qualified, the applicant shall be registered and receive in testimony thereof a certificate signed by the chairman and secretary of the board.

An applicant who fails to pass an examination satisfactory to the board and is therefore refused registration shall be entitled, within one year after the refusal, to a reexamination. Payment of an additional fee of $20 for each reexamination may be required. No more than two reexaminations shall be permitted under an original application.

Any person to whom a certificate of registration is granted under the provisions of this chapter shall designate himself as a doctor of podiatric medicine.

Upon the payment of a license renewal fee and the satisfaction of requirements as the board may, by rule and regulation, prescribe, a registered podiatrist shall have his license renewed on or before July 1 of each year. The board may, by rule and regulation, establish penalties for late renewal.

[*1975 c 132 s 1; 1975 c 136 s 34*]

**153.12** [Repealed, 1975 c 136 s 77]