

## CHAPTER 152

## DRUGS, CONTROLLED SUBSTANCES

152.021 Controlled substance crime in the first degree.  
 152.11 Written or oral prescriptions, requisites.

152.12 Doctors may prescribe.  
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**152.021 CONTROLLED SUBSTANCE CRIME IN THE FIRST DEGREE.**

*[For text of subds 1 and 2, see M.S.2002]*

Subd. 2a. **Manufacture crimes.** (a) Notwithstanding subdivision 1, sections 152.022, subdivision 1, 152.023, subdivision 1, and 152.024, subdivision 1, a person is guilty of controlled substance crime in the first degree if the person manufactures any amount of methamphetamine.

(b) Notwithstanding paragraph (a) and section 609.17, a person is guilty of attempted manufacture of methamphetamine if the person possesses any chemical reagents or precursors with the intent to manufacture methamphetamine. As used in this section, "chemical reagents or precursors" refers to one or more of the following substances, or their salts, isomers, and salts of isomers:

- (1) ephedrine;
- (2) pseudoephedrine;
- (3) phenyl-2-propanone;
- (4) phenylacetone;
- (5) anhydrous ammonia, as defined in section 18C.005, subdivision 1a;
- (6) organic solvents;
- (7) hydrochloric acid;
- (8) lithium metal;
- (9) sodium metal;
- (10) ether;
- (11) sulfuric acid;
- (12) red phosphorus;
- (13) iodine;
- (14) sodium hydroxide;
- (15) benzaldehyde;
- (16) benzyl methyl ketone;
- (17) benzyl cyanide;
- (18) nitroethane;
- (19) methylamine;
- (20) phenylacetic acid;
- (21) hydriodic acid; or
- (22) hydriotic acid.

Subd. 3. **Penalty.** (a) A person convicted under subdivisions 1 to 2a, paragraph (a), may be sentenced to imprisonment for not more than 30 years or to payment of a fine of not more than \$1,000,000, or both; a person convicted under subdivision 2a, paragraph (b), may be sentenced to imprisonment for not more than three years or to payment of a fine of not more than \$5,000, or both.

(b) If the conviction is a subsequent controlled substance conviction, a person convicted under subdivisions 1 to 2a, paragraph (a), shall be committed to the commissioner of corrections for not less than four years nor more than 40 years and, in addition, may be sentenced to payment of a fine of not more than \$1,000,000; a person

convicted under subdivision 2a, paragraph (b), may be sentenced to imprisonment for not more than four years or to payment of a fine of not more than \$5,000, or both.

(c) In a prosecution under subdivision 1 involving sales by the same person in two or more counties within a 90-day period, the person may be prosecuted for all of the sales in any county in which one of the sales occurred.

**History:** *1Sp2003 c 2 art 8 s 2,3*

#### 152.11 WRITTEN OR ORAL PRESCRIPTIONS, REQUISITES.

*[For text of subd 1, see M.S.2002]*

**Subd. 2. Written or oral prescription requirement for schedule III or IV controlled substances.** No person may dispense a controlled substance included in schedule III or IV of section 152.02 without a written or oral prescription from a doctor of medicine, a doctor of osteopathy licensed to practice medicine, a doctor of dental surgery, a doctor of dental medicine, a doctor of podiatry, a doctor of optometry limited to schedule IV, or a doctor of veterinary medicine, lawfully licensed to prescribe in this state or a state bordering Minnesota, and having a current federal drug enforcement administration registration number. Such prescription may not be dispensed or refilled except with the written or verbal consent of the prescriber, and in no event more than six months after the date on which such prescription was issued and no such prescription may be refilled more than five times.

*[For text of subds 2a to 3, see M.S.2002]*

**History:** *2003 c 62 s 8*

#### 152.12 DOCTORS MAY PRESCRIBE.

**Subdivision 1. Prescribing, dispensing, administering controlled substances in schedules II through V.** A licensed doctor of medicine, a doctor of osteopathy, duly licensed to practice medicine, a doctor of dental surgery, a doctor of dental medicine, a licensed doctor of podiatry, or a licensed doctor of optometry limited to schedules IV and V, and in the course of professional practice only, may prescribe, administer, and dispense a controlled substance included in Schedules II through V of section 152.02, may cause the same to be administered by a nurse, an intern or an assistant under the direction and supervision of the doctor, and may cause a person who is an appropriately certified and licensed health care professional to prescribe and administer the same within the expressed legal scope of the person's practice as defined in Minnesota Statutes.

*[For text of subds 2 and 3, see M.S.2002]*

**Subd. 4. Sale of controlled substances not prohibited for certain persons and entities.** Nothing in this chapter shall prohibit the sale to, or the possession of, a controlled substance in schedule II, III, IV or V by: Registered drug wholesalers, registered manufacturers, registered pharmacies, 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; or by licensed pharmacists, licensed doctors of medicine, doctors of osteopathy duly licensed to practice medicine, licensed doctors of dental surgery, licensed doctors of dental medicine, licensed doctors of podiatry, licensed doctors of optometry limited to schedules IV and V, or licensed doctors of veterinary medicine when such practitioners use controlled substances within the course of their professional practice only.

Nothing in this chapter shall prohibit the possession of a controlled substance in schedule II, III, IV or V by an employee or agent of a registered drug wholesaler, registered manufacturer, or registered pharmacy, while acting in the course of employment; by a patient of a licensed doctor of medicine, a doctor of osteopathy duly licensed to practice medicine, a licensed doctor of dental surgery, a licensed doctor of dental medicine, or a licensed doctor of optometry limited to schedules IV and V; or by the owner of an animal for which a controlled substance has been prescribed by a

licensed doctor of veterinary medicine, when such controlled substances are dispensed according to law.

*[For text of subd 5, see M.S.2002]*

**History:** 2003 c 62 s 9,10

**152.135 RESTRICTIONS ON SALES, MARKETING, AND POSSESSION OF EPHEDRINE.**

*[For text of subs 1 to 3, see M.S.2002]*

Subd. 4. [Repealed, 1Sp2003 c 2 art 8 s 19]

*[For text of subs 5 and 6, see M.S.2002]*