

Chapter 13.09

Barbiturates And Other Prohibited Drugs

Section 1. The sale and possession of barbiturates and other prohibited drugs shall be regulated as follows:

Section 2. Definition. As used herein the term “prohibited drug” means:

Subdivision 1. Barbital and any derivative thereof; including but not limited to the following: diethylbarbituric acid; any alkyl, aryl, metallic or halogenated derivative of barbituric acid; veronal (barbitone); proponal, ipral; dial; neonal (soneryl); sandoptal; amytal; phenobarbital (luminal); phandorn; noctal; allonal (which contains allylisopropylbarbituric acid in combination with amidopyrine) medianl; any preparation, mixture or other substance containing any of the foregoing substances.

Subdivision 2. Amphetamine and any derivatives thereof including but not limited to such substances as follows: desoxyephedrine (methamphetamine) mephontermine, pipradol, phenmetrazine, methylphenidate or any salt mixture or optical isomer thereof which salt mixture or optical isomer has a stimulating effect on the central nervous system.

Subdivision 3. Chloral Hydrate (Choloral); Chlordiazepoxide and its salts (Librium); Diazepam (Valium); Ethchlorvynol (placidyl); Ethinamete (Valid); Glutethimide (Doriden); rieprobamate (Niltown, Equanil, Meprosapn, Neprotabs); Methyprylon (noludar); Paraldehyde.

Section 3. Delivery. The term “deliver” means sale, offer for sale, barter, exchange, administering, dispensing, giving, distributing, or supplying in any other manner. The term deliver as herein defined shall include the attempt to do such acts as well as the actual completed commission thereof.

Section 4. Patient. The term “patient” means, as the case may be (a) the individual for whom a prohibited drug is administered, or (b) the owner or agent of the owner of any animal for which a prohibited drug is prescribed or to which a prohibited drug is administered.

Section 5. Person. The term “person” includes individual, corporation, partnership, association, and limited liability company.

Section 6. Practitioner. The term “practitioner” means a person licensed by law to prescribe and administer any of the prohibited drugs as defined above.

Section 7. Pharmacist. The term “pharmacist” means a person duly licensed and registered with the Minnesota State Board of Pharmacy as a registered pharmacist.

Section 8. Prescription. The term “prescription” means a written or oral order by a practitioner to a pharmacist for a prohibited drug or stimulant for a particular patient, which specifies the date of its issue, the name and address of such practitioner, the name and address of the patient (and,

if such barbiturate or stimulant is prescribed for an animal, the species of such animal), the name and quantity of the prohibited drug prescribed, the directions for use of such drug, and in the case of a written order the signature of such practitioner. An oral order by a practitioner for a prohibitive drug must be promptly reduced to writing by the pharmacist.

Section 9. Manufacturer. The term “manufacturer” means persons other than pharmacists who prepare drugs in dosage forms by mixing, compounding, encapsulating, entableting, or other process.

Section 10. Wholesaler. The term “wholesaler” means persons engaged in the business of distributing prohibited drugs to persons included in any of the classes named in Section 5.

Section 11. Warehouseman. The term “warehouseman” means persons who store prohibited drugs for others, and who have no control over the disposition of such prohibited drugs or stimulants except for the purpose of such storage.

Section 12. Lawful Purchase. It is unlawful for any person to have in possession, purchase, or to deliver as herein defined any prohibited drug as defined herein, except on a lawful prescription by a practitioner.

Section 13. Permitted Uses. Section 13 of this ordinance shall not apply to the following in the ordinary course of their trade, their business, or profession provided, however, this exception shall not be a defense to the doing of the acts prohibited in the preceding or following section hereof: Practitioners, Pharmacists, Manufacturers, Pharmacists as Manufacturers, Wholesalers, Warehousemen, persons engaged in transporting such prohibited drugs as agent or employee of a practitioner, pharmacist, manufacturer, warehouseman, wholesaler, common carrier; Public officers or public employees in the performance of official duties requiring possession or control of such prohibited drugs, or persons aiding such officers or employees in the performance of such duties; any patient as herein defined with respect to procuring, possession and use of a prohibited drug in accordance with the terms of a prescription and prescribed treatment; Persons who procure, possess or use such drugs for the purpose of lawful research, teaching or testing, and not for sale; lawfully licensed and registered hospitals or bonafide institutions wherein sick or injured persons are cared for and treated, or by bonafide hospitals for the treatment of animals.

Section 14. No person shall, nor attempt to possess or have in his control or possession to purchase, or deliver a prohibited drug:

Subdivision 1. Deceit. By fraud, deceit, misrepresentation or subterfuge, or

Subcivision2. By forgery or alteration of a prescription, or

Subdivision 3. Concealment. By the concealment of a material fact, or

Subdivision 4. Falsification. By the use of a false name or the giving of a false address, or

Subdivision 5. Falsification. By making a false statement in any prescription, order, report, or record relative to a prohibited drug, or

Subdivision 6. Impersonation. By falsely assuming the title of, or falsely representing any person to be, a manufacturer, wholesaler, warehouseman, pharmacist, practitioner, or other person described in Section 6, or

Subdivision 7. Forgery. By making, issuing or uttering any false or forged prescription.

Section 15. Confiscation. Any prohibited drugs found in the possession of any person convicted of a violation of this ordinance shall be confiscated and shall be forfeited to the Chief of Police who shall make proper and timely disposition thereof by destroying them.

Section 16. Prescription. All patients having possession of any prohibited drugs, by lawful prescription of practitioner while such prohibited drugs are lawfully in such person's possession, shall keep such prohibited drugs in the original container in which they were delivered until used in accordance with such prescription, and shall not remove the pharmacist's original label identifying the prescription from such original container.

Section 17. Penalties. Any person convicted of violating any provisions of this ordinance is guilty of a misdemeanor.