

(10) to perform such other duties and exercise such other powers as the provisions of the act may require.

(b) **TEMPORARY SUSPENSION.** In addition to any other remedy provided by law, the board may, without a hearing, temporarily suspend a license for not more than 60 days if the board finds that a pharmacist has violated a statute or rule that the board is empowered to enforce and continued practice by the pharmacist would create an imminent risk of harm to others. The suspension shall take effect upon written notice to the pharmacist, specifying the statute or rule violated. At the time it issues the suspension notice, the board shall schedule a disciplinary hearing to be held under the administrative procedure act. The pharmacist shall be provided with at least 20 days notice of any hearing held under this subdivision.

(c) **RULES.** For the purposes aforesaid, it shall be the duty of the board to make and publish uniform rules not inconsistent herewith for carrying out and enforcing the provisions of this chapter. The board shall adopt rules regarding prospective drug utilization review and patient counseling by pharmacists. A pharmacist in the exercise of the pharmacist's professional judgment, upon the presentation of a new prescription by a patient or the patient's caregiver or agent, shall perform the prospective drug utilization review required by rules issued under this subdivision.

Sec. 3. [151.102] PHARMACY TECHNICIAN.

A pharmacy technician may assist a pharmacist in the practice of pharmacy by performing nonjudgmental tasks and works under the personal and direct supervision of the pharmacist. A pharmacist may supervise two technicians, as long as the pharmacist assumes responsibility for all the functions performed by the technicians. Nothing in this section prohibits the board of pharmacy from operating according to established rules setting ratios of technicians to pharmacists greater than two to one for the functions specified in rule. The delegation of any duties, tasks, or functions by a pharmacist to a pharmacy technician is subject to continuing review and becomes the professional and personal responsibility of the pharmacist who directed the pharmacy technician to perform the duty, task, or function.

Presented to the governor May 8, 1997

Signed by the governor May 9, 1997, 8:35 a.m.

CHAPTER 133—H.F.No. 686

An act relating to landlord and tenant; prohibiting landlords from penalizing tenants solely for seeking police or emergency assistance; superseding inconsistent local regulation; authorizing the attorney general to investigate and prosecute violations; providing civil penalties; proposing coding for new law in Minnesota Statutes, chapter 504.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. [504.215] **TENANT'S RIGHT TO SEEK POLICE AND EMERGENCY ASSISTANCE.**

New language is indicated by underline, deletions by ~~strikeout~~.

Subdivision 1. DEFINITIONS. (a) The definitions in this subdivision apply to this section.

(b) "Domestic abuse" has the meaning given in section 518B.01, subdivision 2.

(c) "Landlord" means the owner as defined in section 566.18, subdivision 3, the owner's agent, or a person acting under the owner's direction and control.

(d) "Tenant" has the meaning given in section 566.18, subdivision 2.

Subd. 2. EMERGENCY CALLS PERMITTED. (a) A landlord may not:

(1) bar or limit a tenant's right to call for police or emergency assistance in response to domestic abuse or any other conduct; or

(2) impose a penalty on a tenant for calling for police or emergency assistance in response to domestic abuse or any other conduct.

(b) A tenant may not waive and a landlord may not require the tenant to waive the tenant's right to call for police or emergency assistance.

Subd. 3. LOCAL PREEMPTION. This section preempts any inconsistent local ordinance or rule including, without limitation, any ordinance or rule that:

(1) requires an eviction after a specified number of calls by a tenant for police or emergency assistance in response to domestic abuse or any other conduct; or

(2) provides that calls by a tenant for police or emergency assistance in response to domestic abuse or any other conduct may be used to penalize or charge a fee to a landlord.

This subdivision shall not otherwise preempt any local ordinance or rule that penalizes a landlord for, or requires a landlord to abate, conduct on the premises that constitutes a nuisance or other disorderly conduct as defined by local ordinance or rule.

Subd. 4. TENANT RESPONSIBILITY. This section shall not be construed to condone or permit any breach of a lease or of law by a tenant including, but not limited to, disturbing the peace and quiet of other tenants, damage to property, and disorderly conduct.

Subd. 5. TENANT REMEDIES. A tenant may bring a civil action for a violation of this section and recover from the landlord \$250 or actual damages, whichever is greater, and reasonable attorney's fees.

Subd. 6. ATTORNEY GENERAL AUTHORITY. The attorney general has authority under section 8.31 to investigate and prosecute violations of this section.

Sec. 2. EFFECTIVE DATE.

Section 1 is effective July 1, 1997, and applies to all leases entered into, modified, or renewed on or after that date. A provision in a current lease in conflict with section 1 is unenforceable on and after that effective date.

Presented to the governor May 9, 1997

Signed by the governor May 12, 1997, 11:10 a.m.

New language is indicated by underline, deletions by strikeout.