CHAPTER 151

PHARMACY

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 Minnesota Statutes 1974, 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.

History: *1Sp1981 c 4 art 1 s 82*

151.361 MANUFACTURER DISCLOSURE.

Subdivision 1. 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.

Subd. 2. (a) No legend drug in solid oral dosage form may be manufactured, packaged or distributed for sale in this state after January 1, 1983 unless it is clearly marked or imprinted with a symbol, number, company name, words, letters, national drug code or other mark uniquely identifiable to that drug product. An identifying mark or imprint made as required by federal law or by the federal Food and Drug Administration shall be deemed to be in compliance with this section.

(b) The board of pharmacy may grant exemptions from the requirements of this section on its own initiative or upon application of a manufacturer, packager, or distributor indicating size or other characteristics which render the product impractical for the imprinting required by this section.

(c) The provisions of clauses (a) and (b) shall not apply to any of the following:

(1) Drugs purchased by a pharmacy, pharmacist, or licensed wholesaler prior to January 1, 1983, and held in stock for resale.

(2) Drugs which are manufactured by or upon the order of a practitioner licensed by law to prescribe or administer drugs and which are to be used solely by the patient for whom prescribed.

Subd. 3. Failure to comply with the requirements of this section shall subject a drug to embargo in accordance with section 151.38.

History: *1981 c 206 s 1*

151.41 SALE OF DIMETHYL SULFOXIDE.

Subdivision 1. **Bond.** Any person not licensed or registered by the board of pharmacy pursuant to sections 151.01 to 151.40 and this section, as a pharmacist or pharmacy, or not licensed to practice medicine by the board of medical examiners pursuant to sections 147.01 to 147.33, selling or offering for sale at retail in Minnesota dimethyl sulfoxide in quantities of 64 fluid ounces or less shall file with the commissioner of health a bond with corporate surety, cash, or United States government bonds in the sum of $15,000, made payable to the state of Minnesota.

Subd. 2. **Exempt sales.** Provisions of this section shall not apply to legend drugs as defined in section 151.01, subdivision 17; to industrial dimethyl sulfoxide designed for use as a commercial cleaner or solvent and sold in quantities larger than 64 fluid ounces; or to dimethyl sulfoxide intended for veterinary medicine use.

Subd. 3. **Labeling requirements.** Except when dispensed upon the prescription of a physician, no container of dimethyl sulfoxide containing 64 fluid ounces or less shall be sold or offered for sale unless the labeling states at least the following:

(a) quantity;

(b) concentration of product;

(c) vehicle or diluent;

(d) indications for use approved by the food and drug administration of the United States department of health and human services;

(e) recommended dosages;

(f) statement of side effects;

(g) contraindications for use;

(h) antidote in case of accidental ingestion;

(i) name of the manufacturer.

Failure to comply with these requirements shall mean the drug is deemed to be misbranded.

Subd. 4. **Violation.** Violation of this section shall result in forfeiture of the bond and subject the product to embargo under section 151.38.

History: *1981 c 323 s 2*

NOTE: This section is repealed by Laws 1981, Chapter 323, Section 4 effective June 30, 1983.