

**FRIDLEY CITY CODE**  
**CHAPTER 118. BARBITURATE DRUGS**  
(Ref. 528)

**118.01. DEFINITIONS**

1. Prohibited Drug.

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

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

2. Deliver.

To sell, offer for sale, barter, exchange, administer, dispense, give away, distribute, or supply 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.

3. Patient.

As the case may be: (1) The individual for whom a prohibited drug is prescribed or to whom a prohibited drug is administered; or (2) 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.

4. Person.

An individual, corporation, partnership or association.

5. Practitioner.

A person licensed by law to prescribe and administer any of the prohibited drugs as defined above.

6. Pharmacist.

A person duly licensed and registered with the Minnesota State Board of Pharmacy as a registered pharmacist.

7. Prescription.

A written or oral order by a practitioner to a pharmacist for a prohibitive 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 barbituate 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 prohibited drug must be promptly reduced to writing by the pharmacist

8. Manufacturer.

Persons other than pharmacists who prepare drugs in dosage forms by mixing, compounding, encapsulating, entableting, or other process.

9. Wholesaler.

Persons engaged in the business of distributing prohibited drugs to persons included in any of the classes named in Section 118.03.

10. Warehouse Operator.

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.

### **118.02. UNLAWFUL POSSESSION, DELIVERY OR PURCHASE**

It is unlawful for any person to have in possession, purchase, or to deliver, any prohibited drug, as defined in Section 118.01 hereof, except on a lawful prescription by a practitioner.

### **118.03. EXCEPTED LAWFUL BUSINESSES AND PROFESSIONS**

Section 118.02 of this Chapter shall not apply to the following in the ordinary course of their trade, business or profession provided, however, this exception shall not be a defense to the doing of acts prohibited in Section 118.02 or 118.04 hereof.

1. Practitioners.
2. Pharmacists.
3. Manufacturers.
4. Pharmacists as manufacturers.
5. Wholesalers.
6. Warehouse Operator.

7. Person engaged in transporting such prohibited drugs as agent or employee of a practitioner, pharmacist, manufacturer, warehouse operator, wholesaler or common carrier.
8. 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.
9. 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.
10. Persons who procure, possess or use such drugs for the purpose of lawful research, teaching or testing, and not for sale
11. Lawfully licensed and registered hospitals or bona fide institutions wherein sick or injured persons are cared for and treated, or by bona fide hospitals for the treatment of animals.

#### **118.04. UNLAWFUL PROCUREMENT, PURCHASE, DELIVERY OR POSSESSION**

No person shall possess, control, purchase, or deliver a prohibited, drug, or attempt to do any of the same, by any of the following:

1. Fraud, deceit, misrepresentation or subterfuge.
2. The forgery or alteration of a prescription.
3. The concealment of a material fact.
4. The use of a false name or the giving of a false address.
5. Making a false statement in any prescription, order, report, or record relative to a prohibited drug.
6. Falsely assuming the title of, or falsely representing any person to be a manufacturer, wholesaler, warehouse operator, pharmacist, practitioner or other person described in Section 118.03.
7. Making, issuing or uttering any false or forged prescription.

#### **118.05. CONFISCATION AND DISPOSITION**

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

**118.06. USE OF ORIGINAL CONTAINERS AND LABELS REQUIRED**

Any person having possession of any prohibited drugs by lawful prescription of a 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.

**118.07. PENALTIES**

Any violation of this Chapter is a misdemeanor and is subject to all penalties provided for such violation under the provisions of Chapter 901 of this Code.