

Section 435 - Drugs, Barbiturates, Codeine And
Inhalation of Dangerous Substances

Section 435:00. Control of Drugs.

Subd. 1. Possession, Etc., of Drugs Restricted. No person shall possess, sell, distribute, administer, dispense or prescribe any cocaine or opium or any of their derivatives, or any cannibas indica or cannibas sativa or marijuana, or any of their derivatives (hereinafter called "drugs") except as provided in Subdivision 2 of this section.

Subd. 2. Doctors, Etc., to Comply with Federal Law. Any manufacturer, wholesaler, apothecary, physician, dentist, veterinarian, public or private hospital, sanitarium or institution maintained or conducted in whole or in part for the treatment of disability or disease or inebriety or drug addiction, may purchase, receive, possess, sell, distribute, prescribe, administer or dispense such drugs provided he shall have complied with all the provisions and requirements of the Act of Congress of December 17, 1914, known as the Harrison Narcotic Law, as the same exists and may be amended.

Subd. 3. Possession of Injection Implements. No person except dealers in surgical instruments, apothecaries, physicians, dentists, veterinarians, nurses, attendants and interns of hospitals, sanatariums or any other institution in which persons are treated for disability or disease, shall at any time have or possess any hypodermic syringe or needle or any instrument or implement adapted for subcutaneous injections, unless such possession be authorized by the certificate of a physician issued within a period of one year prior to any time of such possession; provided, that such certificate shall not be required of any person under a physician's care for a diabetic condition.

Subd. 4. Possession of Opium-Smoking Paraphernalia Prohibited. No person shall use, possess or have under his control for use any stem, bowl, lamp, yen hock or other opium-smoking paraphernalia or accessories used for the smoking or inhalation of opium.

Subd. 5. Distributors, Etc., Excepted. The provision of Subdivisions 1, 3 and 4 shall not apply to common carriers or warehousemen or their employees engaged in the lawful distribution or storage of the drugs and materials mentioned in said sections, or to public officers or employees while engaged in the performance of their official duties, or to the temporary incidental possession thereof by employees or agents of persons lawfully entitled to such possession.

Subd. 6. Menace to Public Welfare. Any possession, sale, distribution, prescription, administration, dispensation or use of such drugs, injection implements, or opium-smoking paraphernalia contrary to the provisions of this ordinance is hereby declared to be dangerous to the public health and a menace to the public welfare.

Subd. 7. Fraudulent Receipt of Drugs. No person shall fraudulently obtain any such drugs by any deceit, misrepresentation, subterfuge or concealment of material fact or the use of a false name or address in order to obtain treatment in the course of which such drugs may be prescribed.

Section 435:05. Control of Barbiturates and Other Harmful Drugs.Subd. 1. Definitions.

- (a) As used in this section, the term "drug" means:
- (1) Barbital and any derivatives thereof; diethylbarbituric acid; any alkyl, aryl, metallic or halogenated derivative of barbituric acid; veronal (barbitone); proprinal, ipral, dial; neonal (soneryl); sandoptal; amytal, phenobarbital (luminal); phandorn; noctal, allonal (which contains allylisopropylbarbituric acid in combination with amidopyrine), medinal; any preparation, mixture or other substance containing any of the foregoing substances.
 - (2) Any drug consisting of amphetamine, desoxyephedrine, (methamphetamine), mephentermine, pipradol, phenmetrazine, methylphenidate or any salt, mixture or optical isomer thereof which drug, salt, mixture or optical isomer has a stimulating effect on the central nervous system, except preparations for use in the nose and unfit for internal use.
 - (3) Chloral Hydrate (Chloral); Chlordiazepoxide and its Salts (Librium); Diazepam (Valium); Ethchlorvynol (Placidyl); Ethinamate (Valmid); Glutethimide (Doriden); Meprobamate (Miltown, Equanil, Meprospan, Mepro tabs); Methyprylon (Noludar); Paraldehyde.
- (b) The term "delivery" means sale, dispensing, giving away, or supplying in any other manner.
- (c) The term "Patient" means, as the case may be, (1) the individual for whom a barbiturate or stimulant is prescribed or to whom a barbiturate or stimulant is administered, or (2) the owner or the agent of the owner of the animal for which a barbiturate or stimulant is prescribed or to which a barbiturate or stimulant is administered.
- (d) The term "person" includes individual, corporation, partnership, and association.
- (e) The term "practitioner" means a person licensed by law to prescribe and administer barbiturates or stimulants.
- (f) The term "pharmacist" means a person duly registered with the State Board of Pharmacy as a compounder, dispenser, and supplier of drugs upon prescription.
- (g) The term "prescription" means a written or oral order by a practitioner to a pharmacist for a barbiturate 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 barbiturate or stimulant 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 barbiturate or stimulant must be promptly reduced to writing by the pharmacist.

- (h) The term "manufacturer" means persons other than pharmacists who manufacture barbiturates or stimulants and includes persons who prepare such drugs in dosage forms by mixing, compounding, encapsulating, entableting or other process.
- (i) The term "wholesaler" means persons engaged in the business of distributing barbiturates or stimulants to persons included in any of the classes named in (c) hereof.
- (j) The term "warehousemen" means persons who store barbiturates or stimulants for others and who have no control over the disposition of such barbiturates or stimulants except for the purpose of such storage.

Subd. 2. Possession Unlawful. It is unlawful for any person to have in possession or to sell, give away, barter, exchange, or distribute any of the drugs specified in (a) of Subdivision 1 hereof, except on a written or oral prescription by a practitioner.

Subd. 3. Exemptions. Subdivision 2 of this section shall not apply to the following:

- (a) Practitioners.
- (b) Pharmacists.
- (c) Manufacturers.
- (d) Pharmacists as manufacturers.
- (e) Common carriers or warehousemen engaged in lawfully transporting or storing such harmful drugs.
- (f) Public officers or employees in the performance of official duties requiring possession or control of such drugs, or persons aiding such officers or employees in the performance of such duties.
- (g) Any patient in accordance with respect to procuring, possession or use of a drug in accordance with the terms of a prescription and prescribed treatment.
- (h) Persons who procure such drugs for the purpose of lawful research, teaching or testing, and not for sale.
- (i) Lawfully licensed and registered hospitals or bona fide institutions wherein sick or injured persons are cared for and treated, or by a bona fide hospital for the treatment of animals.

Subd. 4. Possession of Drugs is Violation. Any such drugs in the possession of any person convicted of a violation of this ordinance shall be confiscated and forfeited to the Chief of Police who shall make proper disposition thereof.

Subd. 5. Unlawful Acts. It is unlawful for any person to procure, possess or have in his control or possession, or attempt the sale of a prohibited drug,

- (a) by fraud, deceit, misrepresentation or subterfuge, or
- (b) by the forgery or alteration of a prescription, or
- (c) by the concealment of a material fact, or
- (d) by the use of a false name or the giving of a false address, or
- (e) by making a false statement in any prescription, order report, or record referred to in this chapter, or
- (f) by falsely assuming the title of, or falsely representing any person to be, a manufacturer, wholesaler, pharmacist, or practitioner for the purpose of obtaining a prohibited drug, or
- (g) by making, issuing or uttering any false or forged prescription.

Subd. 6. Drugs Must Be Kept in Original Container. No person shall have in his possession any of the drugs mentioned in Subdivision 1 hereof except by lawful prescription of a practitioner, and while in such person's possession, same shall be kept in the original container in which purchased.

Section 435:10. Control of Codeine.

Subd. 1. Possession or Sale Unlawful. No person shall administer, dispose, sell, barter, exchange or offer for sale, when he knows or can by reasonable diligence ascertain, that such administering, dispensing, selling, bartering, exchanging or offering for sale will provide the person to whom or for whose use such preparation is administered, dispensed, sold, bartered, exchanged or offered for sale, within 48 consecutive hours with more than six grains of codeine or any of its salts, except pursuant to a lawful prescription issued by a practitioner.

Subd. 2. Quantity in Possession Permitted. No person shall within any 48 consecutive hours purchase or have in his possession more than six grains of codeine or any of its salts, except pursuant to a lawful prescription issued by a practitioner.

Section 435:15. Control of Inhalations of Intoxicating Substances.

Subd. 1. Inhaling of Substance Prohibited. No person under eighteen years of age shall inhale, breathe, or drink any substance commonly known as glue, cement, dope, solvents, drugs, fingernail polish and remover, lacquer or thinners for these substances, nor any other compound liquid or chemical containing toluol, hexane, trichloroethylene, acetone, toluene, ethyl acetate, methyl ethyl ketone, trichorathane, isopropanol methyl

isobutyl ketone, methyl cellosolve acetate, cyclohexanone, or any other substance for the purpose of inducing symptoms of intoxication, elation, dizziness, paralysis, irrational behavior, or in any manner change, distort, or disturb the audio, visual, or mental processes. The provisions of this section shall not apply to any person who inhales, breathes, or drinks such material or substance pursuant to the direction or prescription of any doctor, physician, surgeon, dentist or podiatrist authorized to so direct or prescribe.

Subd. 2. Illegal to Possess. No person shall, for the purpose of violating or aiding another to violate any provision of this ordinance, intentionally possess, buy, sell, transfer possession, or receive possession of any glue containing the intoxicating substances defined in Subdivision 1 hereof.

Subd. 3. Person Under 18 Years Shall Not Possess. Except as provided in (b) hereof and Subdivision 4, no person under eighteen years of age shall possess or buy any glue containing the intoxicating substances defined in Subdivision 1.

- (a) Except as provided in (b) hereof and Subdivision 4, no person shall sell or transfer possession of any glue containing the intoxicating substances defined in Subdivision 1 to another person under eighteen years of age unless sold or transferred for model building or other lawful use where said juvenile has in his possession and presents the written consent of his parent or guardian, which consent shall contain the address and telephone number of said parent or guardian.
- (b) This section shall not apply where the glue or cement is sold, delivered, or given away simultaneously with and as part of a kit used for the construction of model airplanes, boats, automobiles, trains, or other similar models.

Subd. 4. Illegal Sales. A person making a sale or transfer of possession of any glue containing the intoxicating substances defined in Subdivision 1 to a person under eighteen years of age who presents the written consent of his parent or guardian shall keep the written consent required by this section in a permanent type file available for inspection by the Police Department for a period of at least six months.

Subd. 5. Self-Service Display Prohibited. Retail establishments selling glue containing the intoxicating substances defined in Subdivision 1 shall not sell such glue from a self-service display.

Subd. 6. Exceptions. This section shall not apply to the distribution of glue or cements by adult supervised youth organization for use by their regularly organized model classes.