

June 2007

TITLE 19

Food, Drugs, Oils, and Compounds

Summary of Bills Enacted by 2007 Legislative Assembly

This memorandum summarizes 2007 legislation primarily affecting North Dakota Century Code Title 19. Bills primarily affecting other titles also affect this title, and relevant provisions of those bills are summarized in this memorandum.

The legislation relating to food, drugs, oils, and compounds may be classified in these subject areas: pesticides; drugs; and fuel.

PESTICIDES

Senate Bill No. 2323 removes provisions to take effect for the registration of pesticides for use in this state and maintains present procedures. Generally, the 1999 increase in registration fees from \$300 to \$350 for each product was to expire June 30, 2007.

DRUGS

Senate Bill No. 2319 replaces the term methamphetamine precursor drug with scheduled listed chemical products. The bill prohibits a person from delivering more than a daily amount of three and six-tenths grams of a scheduled listed chemical product without regard to the number of over-the-counter sales. The bill requires scheduled listed chemical products to be placed behind the counter or in a locked cabinet where purchasers do not have direct access to the products and removes the option of video surveillance or display of one package. In addition, the bill requires the person making the sale to deliver the product directly to the custody of the purchaser, to determine if the name entered by the purchaser on the log corresponds with the name on the identification provided by the purchaser, to enter the name of the product and the quantity sold on the list, and to provide the purchaser with a notice that making false statements or misrepresentations may subject the purchaser to criminal penalties. The bill provides immunity for a person that releases information to law enforcement unless the release constitutes gross negligence. The bill removes the defense that a person would reasonably presume the purchaser to be 25 years of age or older to sell a scheduled listed chemical product to a person under 18 years of age. The bill includes pediatric products in the prohibitions. The bill prohibits making a false statement in the written list of sale and prohibits purchasing more than nine grams of ephedrine base, pseudoephedrine base, or phenylpropanolamine base in scheduled listed chemical products in a 30-day period. The bill removes the sunset clause on the previous law.

Senate Bill No. 2317 adds salvia divinorum as a Schedule I controlled substance.

House Bill No. 1055 adds four substances as Schedule I hallucinogenic substances, two substances as Schedule II opiates, one substance as a Schedule II depressant, one as a Schedule III depressant, one as a Schedule III narcotic, and removes one as a Schedule II hallucinogenic substance and one as a narcotic, and makes a number of changes to substances that are Schedule III anabolic steroids. The bill removes sibutramine and includes zopiclone as a Schedule IV depressant and adds one Schedule IV stimulant. The bill includes depressants as a Schedule V substance. The bill requires a person registered to manufacture or distribute a controlled substance to immediately report the theft or significant loss of a controlled substance. The bill prohibits a Schedule II controlled substance from being filled more than six months after the date the prescription was written.

Senate Bill No. 2134 provides for a prescription drug monitoring program to monitor the prescribing and dispensing of all controlled substances.

House Bill No. 1206 allows a court to sentence a person in violation of controlled substance or drug paraphernalia laws to undergo a drug addiction evaluation. If ordered, the evaluation is to be given to the court before imposing punishment for a violation.

House Bill No. 1224 removes the expungement of records for a first-time violation involving a small amount of marijuana and provides that the record is sealed. Once sealed, the bill requires that the record may not be opened even by order of the court.

Senate Bill No. 2098 provides the Superintendent of Public Instruction, rather than the State Department of Health, is to provide to an interim legislative committee the results of a survey on the state's young people regarding drug usage.

House Bill No. 1015 expands the drug abuse assessment and treatment pilot program in Walsh, Pembina, or Grand Forks Counties to the entire state.

Senate Bill No. 2260 allows the Board of Pharmacy to require an applicant for registration to submit to a statewide and nationwide criminal history check and to pay the costs of the check.

FUEL

Senate Bill No. 2159 requires a retailer of alcohol-blended gasoline to display on the dispensing unit the Ethanol Promotion and Information Council label or logo.

House Bill No. 1121 defines alternative fuel and biodiesel fuel. The bill requires a dealer to include the name and main components of an alternative fuel or alternative fuel blend on the dispensing unit and price advertising. The bill allows a producer of alternative fuels or alternative fuel blends to provide a retailer with a label promoting the benefits of the alternative fuel, if the label meets the previous requirements.