

city or village entitled to benefits under the provisions of this chapter shall be two percent of the premium received by insurance companies on fire insurance policies issued on property within such city or village. The commissioner of insurance shall compute the amounts due to the several cities and villages and shall certify such amounts to the state auditor on or before June first in each year. There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, as a standing and continuing appropriation, such sums as may be necessary to make payments as provided in this section.

SECTION 2. EMERGENCY.) This act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved February 8, 1949.

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## FOODS, DRUGS, OILS, AND COMPOUNDS

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### CHAPTER 169

Senate Bill No. 185  
(Shure)

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#### LABELING OF FLOUR

#### AN ACT

To repeal section 19-0209 of the North Dakota Revised Code of 1943, relating to the labeling of flour, and declaring an emergency.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

SECTION 1. REPEAL.) Section 19-0209 of the North Dakota Revised Code of 1943 is hereby repealed.

SECTION 2. EMERGENCY.) This Act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 8, 1949.

## CHAPTER 170

House Bill No. 329  
(Leier and Langseth)

## OLEOMARGARINE TAX

## AN ACT

To amend and reenact section 19-0508 of the North Dakota Revised Code of 1943, relating to tax on oleomargarine.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

SECTION 1. AMENDMENT.) Section 19-0508 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

19-0508. TAX ON OLEOMARGARINE; CONTAINERS FOR SALE; TAX STAMPS TO BE AFFIXED.) The state treasurer shall collect a tax of ten cents per pound upon all oleomargarine sold to consumers in this state. An additional tax of ten cents per pound shall be collected upon all oleomargarine which is yellow in color sold to consumers in this state. Oleomargarine shall not be sold in this state in packages containing less than one pound nor more than thirty pounds. Whenever a box, carton, or other container of oleomargarine is received by a retailer, he shall attach to each package a stamp denoting the payment of the tax upon the oleomargarine therein contained. Such stamps shall be canceled in the manner required by the department. If a manufacturer, wholesaler, or distributor sells to other than a retail dealer, such manufacturer, wholesaler, or distributor shall attach and cancel the required stamps on such sales. Oleomargarine shall be held to be yellow in color when it has a tint or shade containing more than one and six-tenths degrees of yellow, or of yellow and red collectively, but with an excess of yellow over red, measured in the terms of the lovibond tintometer scale or its equivalent.

Approved March 10, 1949.

## CHAPTER 171

House Bill No. 36  
(Legislative Research Committee)  
(at the request of the State Laboratories Department)

REGISTRATION COMMERCIAL FEED BRANDS IN LIEU OF  
TONNAGE REPORT

## AN ACT

To amend and reenact section 19-1305 of the 1947 Supplement to the North Dakota Revised Code of 1943, relating to the regulating of the sale of commercial feeding stuffs in small packages.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

SECTION 1. AMENDMENT.) Section 19-1305 of the 1947 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

19-1305 SEMI-ANNUAL REPORT BY LICENSEES.) All corporations, firms, or persons engaged in the manufacture of commercial feeds sold in this state shall on or before the fifteenth day of January and the fifteenth day of July of each year, make statement under oath, in due form of law, which shall be filed with the state laboratories department, and which shall set forth the number of net tons of such commercial feeds sold or distributed in this state during the six preceding calendar months, and upon such a statement shall make payment to the state laboratories department the sum of twenty cents per net ton of two thousand pounds. In lieu of the said tonnage report and tax, commercial feeding stuffs in cans or small packages of ten pounds or less may be registered upon payment of an annual registration fee of fifteen dollars for each such brand. Each statement of tonnage sold shall have included with such statement a permit granting to the state food commissioner and chemist or his agent permission to verify such statement of tonnage from the records of the party submitting the tonnage report. All fees received by the state laboratories department, as provided for in this chapter, shall be properly recorded by him and forwarded monthly to the treasurer of the state of North Dakota.

Approved February 9, 1949.

## CHAPTER 172

House Bill No. 38

(Legislative Research Committee)

(at the request of the State Laboratories Department)

REGULATING SALE AND DISTRIBUTION OF COMMERCIAL  
FERTILIZERS, ETC.

## AN ACT

To regulate the sale and distribution of mixed fertilizers and fertilizer materials and repealing chapter 19-15 of the North Dakota Revised Code of 1943.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

SECTION 1. TITLE.) This act shall be known as the North Dakota fertilizer law of 1949.

SECTION 2. ENFORCEMENT.) This act shall be administered by the state laboratory department of the state of North Dakota, hereinafter referred to as the "department."

SECTION 3. DEFINITIONS OF WORDS AND TERMS.) When used in this act, unless the context or subject matter otherwise requires:

1. "Person" includes individuals, partnerships, associations, firms, and corporations;
2. Words importing the singular number may extend and be applied to several persons or things, and words importing the plural number may include the singular;
3. "Commercial fertilizer" includes both mixed fertilizer and fertilizer materials;
4. "Fertilizer material" means any substance containing nitrogen, phosphoric acid, potash, or any recognized plant food element or compound which is used primarily for its plant food content or for compounding mixed fertilizers except unmanipulated animal and vegetable manures;
5. "Mixed fertilizer" means any combination or mixture of fertilizer materials designed for use or claimed to have value in promoting plant growth, with or without inert materials;
6. "Distributor" means any person who offers for sale, sells, barter, or otherwise supplies commercial fertilizers;
7. "Sell" or "sale" includes exchange;
8. "Grade" means the minimum percentage of total nitrogen, available phosphoric acid, and soluble potash stated in

- the order given in this subsection and, when applied to mixed fertilizers, shall be in whole numbers only;
9. "Brand" means the name, and other designations under which a commercial fertilizer is distributed in this state;
  10. "Official sample" means any sample of commercial fertilizer taken by the department or its agents according to methods prescribed by this act;
  11. "Ton" means a net ton of two thousand pounds avoirdupois;
  12. "Percent" or "percentage" means the percentage by weight; and
  13. "Specialty fertilizer" means any fertilizer distributed primarily for use on crops grown for non-commercial purposes such as gardens, lawns, shrubs, and flowers and may include fertilizers used for research or experimental purposes.

#### SECTION 4. REGISTRATION.)

1. Each brand and grade of commercial fertilizer shall be registered before being offered for sale, sold, or distributed in this state. The application for registration shall be submitted in duplicate to the department on forms furnished by the department, and shall be accompanied by a remittance of five dollars per brand and grade for a registration fee. Upon approval by the department a copy of the registration shall be furnished to the applicant. All registrations expire on June thirtieth of each year. The application shall include the following information in the following order:
  - a. The name and address of the person guaranteeing registration;
  - b. The brand and grade;
  - c. The guaranteed analysis showing the minimum percentage of plant food in the following form and order:
 

Total nitrogen	.....percent
Available phosphoric acid	.....percent
Soluble potash	.....percent
  - d. The sources from which the nitrogen, phosphoric acid, and potash are derived;
  - e. Additional plant food elements, determinable by chemical control methods may be guaranteed only by permission of the department. When any such additional

- plant food elements are included in the guarantee, they shall be subject to inspection and analysis in accordance with the methods and regulations that may be prescribed by the department; and
- f. The department may permit or require the potential basicity or acidity, expressed in terms of calcium carbonate equivalent in multiples of one hundred pounds per ton, to be registered and guaranteed.
2. The distributor of any brand and grade of commercial fertilizer shall not be required to register the same if it has already been registered under this act by a person entitled to do so and such registration is then in effect;
  3. The plant food content of each and every brand and grade of commercial fertilizer must remain uniform for the period of registration.

SECTION 5. LABELING.)

1. Any commercial fertilizer offered for sale or sold or distributed in this state in bags, barrels, or other containers shall have placed on or affixed to the container the net weight and the data required by subdivisions a, b, c, e, and f of subsection 1 of section 4 either on tags to be affixed to the end of the package midway between the ears or on the sewed end, or directly on the package in which case, for bags containing fifty pounds or more, the grade shall appear also on the end of the package in type that is plainly legible; and
2. If transported in bulk, the net weight and the data, in written or printed form, as required by subsection 1 of this section shall accompany delivery and be supplied to the purchaser.

SECTION 6. INSPECTION FEE.)

1. There shall be paid to the department for all commercial fertilizer offered for sale, sold, or distributed in this state an inspection fee at the rate of ten cents per ton, provided that products sold to manufacturers or exchanged between them are exempt when used exclusively for manufacturing purposes; and
2. Payment of the inspection fee levied by subsection 1 of this section shall be made on the basis of semi-annual tonnage reports signed before a witness and filed with the department by the person to whom fertilizer registration is issued. The tonnage reports shall cover the semi-annual periods ending June thirtieth and December thirty-first of each year and shall be filed with the department not later than fifteen days after the close of each semi-annual period. Remittance to cover the inspection fee at the rate prescribed in subsection 1 of this

section shall accompany each tonnage report. Each tonnage report shall grant to the department or authorized agents permission to verify the records upon which such statement of tonnage is based.

SECTION 7. INSPECTION, SAMPLING, ANALYSES.)

1. It shall be the duty of the department, which may act through its authorized agents, to sample, inspect, make analyses of, and test commercial fertilizers offered for sale, sold or distributed within this state at such time and place and to such an extent as it may deem necessary to determine whether such commercial fertilizers are in compliance with the provisions of this act, and the department shall have the further authority to obtain such additional information as it may deem advisable. The department, through its agents, is authorized to enter upon any public or private premises during regular business hours in order to have access to commercial fertilizers subject to the provisions of this act and the rules and regulations thereto;
2. An official fertilizer sample shall be one drawn from a lot or shipment of fertilizer sold or exposed for sale in this state in the manner prescribed by the department. In sampling a lot of commercial fertilizer packaged in containers of less than ten pounds, a single package may constitute the official sample; and
3. The methods of analysis shall be those adopted by the department from published sources such as those of the association of official agricultural chemists.

SECTION 8. MINIMUM PLANT FOOD CONTENT.) No superphosphate containing less than sixteen percent available phosphoric acid nor any mixed fertilizer in which the sum of the guarantees for the nitrogen, available phosphoric acid, and soluble potash totals less than twenty percent shall be offered for sale, sold or distributed in this state except for complete fertilizers containing one-fourth or more of their nitrogen in water-insoluble forms of plant or animal origin, in which case the total nitrogen, available phosphoric acid, and soluble potash need not total more than eighteen percent.

SECTION 9. FALSE OR MISLEADING STATEMENTS.) A commercial fertilizer is misbranded if it carries any false or misleading statement upon or attached to the container, or if false or misleading statements concerning its agricultural value are made on the container or in any printed advertising matter issued by the distributor that registered said fertilizer. It shall be unlawful to sell, offer for sale or distribute a misbranded commercial fertilizer in this state.

SECTION 10. GRADE-TONNAGE REPORTS.) Each person registering commercial fertilizers under this act shall furnish the de-

partment with a confidential written statement of the tonnage of each grade of fertilizer sold by him in this state. Such statement shall include all sales for the periods of July first to and including December thirty-first and of January first to and including June thirtieth of each year. The department may cancel the registration of any person failing to comply with this section if such statement is not made within thirty days from date of the close of each period. The department, however, may grant a reasonable extension of time. No information furnished under this section shall be disclosed in such a way as to divulge the operations of any person.

SECTION 11. PUBLICATIONS.) The department shall publish at least annually, in such forms as it may deem proper, information concerning the sales of commercial fertilizers, together with such data on their production and use as it may consider advisable, and a report of the results of the analyses based on official samples of commercial fertilizers sold within the state as compared with the analyses guaranteed under sections 4 and 5, provided that the information concerning production and use of commercial fertilizers shall be shown separately for the periods July first to December thirty-first and January first to June thirtieth of each year, and that no disclosure shall be made of the operations of any person.

SECTION 12. RULES AND REGULATIONS.) For the enforcement of this act, the department is authorized to prescribe and, after public hearing following due public notice, to enforce such rules and regulations relating to the distribution of commercial fertilizers as it may find necessary to carry into effect the full intent and meaning of this act.

SECTION 13. CANCELLATION OF REGISTRATIONS.) The department is authorized and empowered to cancel the registration of any commercial fertilizer or to refuse to register any brand of commercial fertilizer as herein provided, upon satisfactory evidence that the registrant has used fraudulent or deceptive practices in the evasions or attempted evasions of the provisions of this act or any rules and regulations promulgated thereunder. No registration shall be revoked or refused until the registrant shall have been given a hearing by the department.

SECTION 14. "STOP SALE" ORDERS.) It shall be the duty of the department to issue and enforce a written or printed "stop sale, use, or removal" order to the owner or custodian of any lot of commercial fertilizer and to hold at a designated place when the department finds said commercial fertilizer is being offered or exposed for sale in violation of any of the provisions of this act or any regulation issued thereunder, until the law has been complied with and said commercial fertilizer is released in writing by the department or said violation has been otherwise legally disposed of by written authority.



SECTION 15. SEIZURE, CONDEMNATION, AND SALE.) Any lot of commercial fertilizer not in compliance with the provisions of this act shall be subject to seizure on complaint of the department to a court of competent jurisdiction in the area in which said commercial fertilizer is located. In the event the court finds the said commercial fertilizer to be in violation of this act and orders the condemnation of said commercial fertilizer, it shall be disposed of in any manner consistent with the character of the commercial fertilizer and the laws of this state, provided that in no instance shall the disposition of said commercial fertilizer be ordered by the court without first giving the claimant an opportunity to apply to the court for release of said commercial fertilizer or for permission to process or re-label said commercial fertilizer under supervision of the department to bring it into compliance with this act.

SECTION 16. VIOLATIONS.)

1. Any person violating any of the provisions of this act or any rule or regulation issued thereunder shall be guilty of a misdemeanor; and
2. Nothing in this act shall be construed as requiring the department or its representatives to report for prosecution or for the institution of seizure proceedings minor violations of the act when it believes that the public interests will be best served by a suitable notice of warning in writing; and
3. It shall be the duty of each states attorney to whom any violation is reported to cause appropriate proceedings to be instituted and prosecuted in a court of competent jurisdiction without delay.

SECTION 17. EXCHANGES BETWEEN MANUFACTURERS.) Nothing in this act shall be construed to restrict or void sales or exchanges of commercial fertilizers to each other by importers, manufacturers, or manipulators who mix fertilizer materials for sale or as preventing the free and unrestricted shipments of commercial fertilizers to manufacturers or manipulators who have registered their brands as required by the provisions of this act.

SECTION 18. CONSTITUTIONALITY.) If any clause, sentence, paragraph, or part of this act shall for any reaason be judged invalid by any court of competent jurisdiction, such judgment shall not affect, impair, or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

SECTION 19. REPEAL.) That chapter 19-15 of the North Dakota Revised Code of 1943 is hereby repealed.

Approved February 9, 1949.

## CHAPTER 173

House Bill No. 37  
(Legislative Research Committee)  
at the request of the  
(State Laboratories Department)

## MISBRANDING OF ANTI-FREEZE

## AN ACT

To amend and reenact sections 19-1603 of the North Dakota Revised Code of 1943 and 19-1604 of the 1947 Supplement to the North Dakota Revised Code of 1943, relating to anti-freeze.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

SECTION 1. AMENDMENT.) Section 19-1603 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

19-1603. MISBRANDING; WHAT CONSTITUTES.) An anti-freeze shall be deemed to be misbranded:

1. If its labeling is false or misleading in any particular;
2. If in package form it does not bear a label containing the name and place of business of the manufacturer, packer, seller, or distributor, and an accurate statement of the quantity of the contents in terms of weight or measure, and these facts are not stated plainly and correctly on the outside of the package; or
3. If the product is to be diluted with another substance for use and does not bear on the label, or in an accompanying instruction sheet, folder or booklet, a statement or chart showing appropriate amounts of each substance to be used to provide protection from freezing at various degrees of temperature down to at least thirty degrees below zero Fahrenheit.

SECTION 2. AMENDMENT.) Section 19-1604 of the 1947 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

19-1604. LICENSE REQUIRED.) Before any anti-freeze can be sold, exposed for sale, or held with intent to sell, within the state, it must be licensed by the state laboratories department. Upon application of the manufacturer or distributor and the payment of the fee prescribed in this section, the state laboratories department shall license any anti-freeze not in violation of the provisions of sections 19-1602 and 19-1603. Such license shall be

good for one year unless sooner canceled or a change is made in the name, brand, or trademark under which such anti-freeze is sold. If the product does not meet all requirements of law, a license for it shall be refused and its sale shall be unlawful. Application for a license and payment of the license fee shall be made annually during the month of June of every year or prior to placing such anti-freeze on the market, and said license shall expire June thirtieth of the year next following its issuance provided that all anti-freeze licenses issued during the period from January 1, 1949 to June 30, 1949 shall not expire until June 30, 1950. The license fee shall be twenty dollars for each brand of anti-freeze sold and such fee shall be deposited with the state treasurer to the credit of the general fund.

Approved February 26, 1949.

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## CHAPTER 174

Senate Bill No. 226  
(Stucke, Bilden and Mehlhaff)

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### BARBITURATES, SALE, ETC.

#### AN ACT

To regulate the handling, sale, and distribution of barbiturates.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

SECTION 1. FINDING AND DECLARATION OF POLICY AND PURPOSE.) The legislative assembly of the state of North Dakota hereby finds that it is essential to the public health and safety to regulate and control the handling, sale, and distribution of barbiturates, as refined in this act. It is therefore, hereby declared to be the policy and intent of the legislative assembly and the purpose of this act to regulate and control such handling, sale, and distribution, and, in particular, but without limitation of such purpose, to ensure that the public shall receive the therapeutic benefits of barbiturates under medical supervision to the full extent required to assure safety and efficiency in their use, to complement and supplement the laws and regulations of the congress of the United States and the appropriate agencies of the federal government affecting such handling, sale, and distribution; to prevent such handling, sale, or distribution for harmful or illegitimate purposes, and to place upon manufacturers, wholesalers, licensed compounders of prescriptions, and persons prescribing such drugs,

a basic responsibility for preventing the improper distribution of such drugs to the extent that such drugs are produced, handled, sold, or prescribed by them.

SECTION 2. DEFINITIONS.) For the purpose of this act :

1. "Barbiturate" means the salts and derivatives of barbituric acid, also known as malonyl urea having hypnotic or somnifacient action, or compounds of any preparations or mixtures thereof ;
2. "Delivery" means sale, dispensing, giving away, or supplying in any other manner ;
3. "Patient" means, as the case may be, the individual for whom a barbiturate is prescribed or to whom a barbiturate is administered, or the owner or the agent of the owner of the animal for which a barbiturate is prescribed or to which a barbiturate is administered ;
4. "Person" includes individual, corporation, partnership, and association ;
5. "Practitioner" means a person licensed by law to prescribe and administer barbiturates ;
6. "Pharmacist" means a person duly registered with the state board of pharmacy as a compounder, dispenser, and supplier of drugs upon prescription ;
7. "Prescription" means a written order by a practitioner to a pharmacist for a barbiturate for a particular patient, which specifies that date of its issue, the name and address of such practitioner, the name and address of the patient and, if such barbiturate is prescribed for an animal, the species of such animal, the name and quantity of the barbiturate prescribed, the direction for use of such drug, and the signature of such practitioner ;
8. "Manufacturer" means persons other than pharmacists who manufacture barbiturates, and includes persons who prepare such drugs in dosage forms by mixing, compounding, encapsulating, entableting, or other process ;
9. "Wholesaler" means persons engaged in the business of distributing barbiturates to persons included in any of the classes named in subsections 1 to 6, inclusive, of section 5 of this act ; and
10. "Warehousemen" means persons who store barbiturates for others and who have no control over the disposition of such barbiturates except for the purpose of such storage.

SECTION 3. PROHIBITED ACTS.) The following acts, the failure to act as hereinafter set forth, and the causing of any such act or failure to act are hereby declared unlawful :

1. The delivery of any barbiturate, except as provided in section 5 of this act unless:
  - a. Such barbiturate is delivered by a pharmacist, upon an original prescription, and there is affixed to the immediate container in which such drug is delivered a label bearing the name and address of the owner of the establishment from which such drug was delivered, the date on which the prescription for such drug was filled, the number of such prescription as filed in the prescription files of the pharmacist who filled such prescription, the name of the practitioner who prescribed such drugs, the name and address of the patient, and if such drug was prescribed for an animal, a statement showing the species of the animal, and the directions for use of the drug as contained in the prescription; or
  - b. Such barbiturate is delivered by a practitioner in the course of his practice and the immediate container in which such drug is delivered bears a label on which appears the directions for use of such drug, the name and address of such practitioner, the name and address of the patient, and, if such drug is prescribed for an animal a statement showing the species of the animal.
2. The failure by a practitioner who, by telephone or otherwise, gives a prescription to a pharmacist, to furnish such prescription to such pharmacist in writing within seventy-two hours;
3. The refilling of any prescription for a barbiturate unless and as designated on the prescription by order of the practitioner;
4. The delivery of a barbiturate upon prescription unless the pharmacist who filled such prescription files and retains it is required by subsection 3 of section 5 of this act;
5. The possession of a barbiturate by any person, unless such person obtained such drug on the prescription of a practitioner;
6. The refusal to make available and to accord full opportunity to check any record or file, as required by section 7 of this act;
7. The failure to keep records as required by subsection 1 or 2 of section 6 of this act; and
8. The using of any person to his own advantage, or revealing, other than to an officer or employee of the board of pharmacy, or to a court when relevant in a judicial pro-

ceeding under this act, any information required under the authority of section 7 of this act, concerning any method or process which as a trade secret is entitled to protection.

**SECTION 4. EXEMPTIONS.)**

1. Nothing in this act shall apply to compounds, mixtures, or preparations containing, in addition to a barbiturate, sufficient quantity of another drug or drugs to cause the compound, mixture, or preparations to possess other than an hypnotic or somnifacient action; and
2. Nothing in this act shall apply to any compound or mixture or preparation that is intended to be used as a spray or gargle or a liniment or in any other way for external application if such compound, mixture, or preparation contains, in addition to the barbiturate, some other drug or drugs rendering it unfit for internal administration, and such compounds or mixtures or preparations are sold in good faith for the purpose for which they are intended and not for the purpose of evading the provisions of this act.

**SECTION 5. ADDITIONAL EXEMPTIONS.)** The provisions of subsection 1 and 4 of section 3 of this act shall not be applicable to the delivery of barbiturates to persons included in any of the classes hereinafter named, or to the agents or employees of such person, for use in the usual course of their business or practice or in the performance of their official duties, or to the possession of barbiturates by such persons or their agents or employees for such use:

1. Pharmacists;
2. Practitioners;
3. Persons who procure barbiturates for disposition by or under the supervision of pharmacists or practitioners employed by them, or for the purpose of lawful research, teaching, or testing, and not for resale;
4. Hospitals and other institutions which procure barbiturates for lawful administration by practitioners;
5. Officers or employees of federal, state, or local governments; and
6. Manufacturers, wholesalers, carriers and warehousemen.

**SECTION 6. RECORDS.)**

1. Persons other than carriers and practitioners, to whom the provisions of section 5 of this act are applicable shall keep complete records showing all stocks of barbiturates on hand, and all receipts and deliveries of barbiturates by such persons, their agents and employees;

2. Practitioners shall keep complete records showing all stocks of barbiturates on hand on the effective date of this act, all receipts of barbiturates by them, their agents and employees, and the name and quantity of each barbiturate dispensed or administered by them, the date it was dispensed or administered, the name and address of the patient, and, if such barbiturate was prescribed for or administered to an animal, the species of the animal.
3. Pharmacists shall keep complete records showing all stocks of barbiturates on hand on the effective date of this act, all receipts of barbiturates by them, and shall file each prescription received by them with appropriate number and date of each refill pursuant thereto, and retain such prescriptions for a period of not less than two calendar years immediately following the date of the last filling or refilling. In the case of sales under the provisions of section 5 of this act, the names and quantity of the barbiturate sold, the date it was sold and the name and address of the purchaser shall be kept of record; and
4. The usual commercial or other records maintained by manufacturers, wholesalers, practitioners, or pharmacists, with the exception of the inventory of the initial stock on hand, shall suffice to meet the requirements of this section. Such records shall be preserved for a period of not less than two calendar years.

SECTION 7. AVAILABILITY OF RECORDS.) Persons required to keep files or records, relating to barbiturates by section 6 of this act shall, upon the written request of an officer or employee duly designated by the board of pharmacy, make such files or records available to such officer or employee, at all reasonable hours, for inspection and copying, and accord such officer or employee full opportunity to check the correctness of such files or records including opportunity to make inventory of all stocks of barbiturates on hand, and it shall be unlawful for any such person to fail to make such files or records available or to accord such opportunity to check their correctness.

SECTION 8. REGULATIONS.) The board of pharmacy is hereby authorized to promulgate the necessary regulations for the administration and enforcement of this act.

SECTION 9. PENALTIES.) Any person who violates any of the provisions of section 3 of this act upon conviction thereof shall be subject to imprisonment for not more than one year, or a fine of not more than five hundred dollars, or both such im-

prisonment and fine, but if the violation is committed after a conviction of such person under this act has become final such person shall be subject to imprisonment for not more than two years or a fine of not more than one thousand dollars, or both such imprisonment and fine.

Approved March 18, 1949.

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## GAME, FISH, AND PREDATORS

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### CHAPTER 175

Senate Bill No. 39  
(Legislative Research Committee)  
(at the Request of the Game and Fish Department)

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#### SHINING FOR RACCOON LEGALIZED

#### AN ACT

To amend and reenact sections 20-0105, 20-0106 and subsection 4 of 20-0503 of the North Dakota Revised Code of 1943, making it legal to shine for raccoon.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

SECTION 1. AMENDMENT.) Section 20-0105 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

20-0105. HUNTING WITH ARTIFICIAL LIGHT PROHIBITED; EXCEPTION.) Any person who shall pursue, shoot, kill, take or attempt to take any wildlife between sunset of one day and sunrise of the next, with the aid of a spotlight or any other artificial light of any kind, shall be guilty of a misdemeanor, but nothing in this section shall be construed to make it unlawful for any person to use a lantern, spotlight, or other artificial light to assist him in pursuing and shooting on his premises any coyote, fox, skunk, mink, raccoon, weasel, owl, rabbit, or other predatory animal or bird, attacking and attempting to destroy such person's poultry livestock, or other property, providing, however, that it shall be permissible to use a flashlight of not more than two cells in the aggregate of three volts for the purpose of aiding in the taking of raccoon during the open season on such animal.