

FOODS, DRUGS, OILS, AND COMPOUNDS

CHAPTER 163

S. B. No. 155
(Foss and Bilden)

SALES OF NARCOTIC DRUGS BY APOTHECARIES

AN ACT

To amend and reenact section 19-0310 of the North Dakota Revised Code of 1943, relating to sales by apothecaries.

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

§ 1. **Amendment.)** Section 19-0310 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

19-0310. Sales By Apothecaries.) Sales of narcotic drugs may be made by apothecaries in accordance with the following provisions of this section:

1. An apothecary, in good faith, may sell and dispense narcotic drugs to any person upon a written prescription of a physician, dentist, or veterinarian, dated and signed by the person prescribing on the day when issued and bearing the full name and address of the patient for whom, or of the owner of the animal for which, the drug is dispensed, and the full name, address, and registry number under the federal narcotic laws of the person prescribing, if he is required by those laws to be so registered. If the prescription be for an animal, it shall state the species of animal for which the drug is prescribed. The person filling the prescription shall write the date of filling and his own signature on the face of the prescription. The prescription shall be retained on file by the proprietor of the pharmacy in which it is filled for a period of two years, so as to be readily accessible for inspection by any public officer or employee engaged in the enforcement of the provisions of this chapter. The prescription shall not be refilled;
2. The legal owner of any stock of narcotic drugs in a pharmacy, upon ceasing to deal in said drugs, may sell such stock to a manufacturer, wholesaler, or apothecary, but only on an official written order;

3. An apothecary, only upon an official written order, may sell to a physician, dentist, or veterinarian, in quantities not exceeding one ounce at any one time, aqueous or oleaginous solutions of which the content of narcotic drugs does not exceed a proportion greater than twenty percent of the complete solution, to be used for medical purposes.

§ 2.) An apothecary may dispense narcotic drugs upon oral prescription pursuant to regulations promulgated by the U. S. commissioner of narcotics under the federal narcotic laws.

Approved March 5, 1955.

CHAPTER 164

S. B. No. 61

(Dewing, O'Brien, Livingston)

PROFESSIONAL USE OF NARCOTIC DRUGS

AN ACT

To amend and reenact section 19-0311 of the North Dakota Revised Code of 1943, relating to the professional use of narcotic drugs.

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

§ 1. **Amendment.)** Section 19-0311 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

19-0311. Professional Use of Narcotic Drugs.) Narcotic drugs may be used professionally in accordance with this section:

1. Physicians, Dentists and Doctors of Surgical Chiropody. A physician or a dentist or a doctor of surgical chiropody, in good faith and in the course of his professional practice only, may prescribe, administer, and dispense narcotic drugs, or he may cause the same to be administered by a nurse or interne under his direction and supervision;

2. Veterinarians. A veterinarian, in good faith and in the course of his professional practice only, and not for use by a human being, may prescribe, administer, and dispense narcotic drugs, and he may cause them to be administered by an assistant or orderly under his direction and supervision.

Approved March 2, 1955.

CHAPTER 165

H. B. No. 838

(Roen, Ettestad, Fleenor, Rose and Laske)

IMITATION ICE CREAM

AN ACT

To amend and reenact sections 19-0601, 19-0602, 19-0603, 19-0604, 19-0605 and 19-0606 of the North Dakota Revised Code of 1943, relating to the sale of imitation ice cream.

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

§ 1. Amendment.) Section 19-0601 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

19-0601. Definitions.) In this chapter unless the context or subject matter otherwise requires:

1. "Ice milk" is any frozen substance, mixture, or compound which is not ice cream, milk sherbet, ice, or frozen or frosted malted milk as the same are defined by the department, regardless of the name under which it is sold or offered for sale:
 - a. If the freezing of such substance, mixture, or compound is accompanied by agitation of the ingredients thereof;
 - b. If such substance, mixture, or compound is made in imitation or semblance of ice cream;
 - c. If such substance, mixture, or compound is prepared or frozen in the same manner as ice cream is customarily prepared or frozen; or
 - d. Ice milk shall contain a minimum of 4 percent milk fat and a maximum of 6 percent milk fat and shall weigh at least four and one half pounds avoirdupois per gallon and shall contain a minimum of 12 percent milk solids not fat.
2. "Retail dealer" is any person, firm, or corporation operating a store, stand, or other place where ice milk is sold to consumers;
3. "Peddler" is any person selling or vending ice milk directly to the consumer at any place other than at a store, stand, or other fixed place of business.
4. "Department" shall mean the department of agriculture and labor.

§ 2. **Amendment.)** Section 19-0602 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

19-0602. Unlawful To Sell Ice Milk At Retail Without License.) No person shall sell, exchange or offer for sale at retail or have in his possession with intent to sell, offer for sale or for exchange at retail in this state, any ice milk without first having obtained a license therefor from the department.

§ 3. **Amendment.)** Section 19-0603 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

19-0603. Application For License.) Any person making application for a license to sell at retail, or peddle ice milk shall make the same upon a form prescribed by the department, and shall show the name of the county in which the applicant seeks to do business and the location of his place of business if he is a retailer.

§ 4. **Amendment.)** Section 19-0604 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

19-0604. Licenses; Term; Revocation.) A license for the retailing or peddling of ice milk shall be issued by the department for a period of one year beginning on the first day of January of the year of issue and terminating on the thirty-first day of December following the date of issuance thereof. Each license shall cover but one retail dealer or peddler, and shall be good only in the county for which it was issued. If issued to a retail dealer, it shall cover but one place of business, and if issued to a peddler, it shall cover but one county. A license issued under this chapter shall not be transferable, and the department may revoke any such license for a violation of any provision of this chapter.

§ 5. **Amendment.)** Section 19-0605 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

19-0605. License Fees.) The fees for licenses to sell or peddle ice milk shall be as follows:

1. Retail dealer, fifty dollars;
2. Peddler, ten dollars.

No license shall be issued until the applicant has paid the required fee.

§ 6. **Amendment.)** Section 19-0606 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

19-0606. Person Selling Ice Milk To Give Notice To Purchasers.) Any person selling ice milk to consumers shall display a sign so placed or carried as to be easily read by purchasers bearing the words "ice milk" in letters at least two inches in height and one inch in width.

Approved March 19, 1955.