

FOODS AND DRUGS

CHAPTER 194

HOUSE BILL NO. 1475
(Larson)

FOOD VENDING MACHINE LICENSES

AN ACT to provide for the licensing of food vending machines and the revocation of such licenses by the state laboratories department, to provide for the promulgation of rules and regulations, and to provide for the inspection of vending machines.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. SALE OF PREPACKAGED FOOD FROM VENDING MACHINES.- LICENSE - RULES AND REGULATIONS - INSPECTIONS.)

1. No establishment may sell any type of prepackaged food from a food vending machine without first obtaining a license from the state laboratories department. Such licenses may be issued upon payment of a fee of five dollars annually and shall expire on June thirtieth of each year.
2. The state laboratories department may, in accordance with chapter 28-32, revoke an establishment's license if the establishment fails to comply with the regulations promulgated pursuant to subsection 3.
3. The state laboratories department is hereby authorized, in accordance with chapter 28-32, to promulgate rules and regulations which shall define "food vending machine" for the purposes of this Act and to promulgate rules and regulations governing the sanitation, maintenance, and construction of such vending machines and to exempt certain types of machines from this Act, if it is deemed appropriate and not materially detrimental to public health.
4. The department may inspect any food vending machine for compliance with the regulations and for the presence of a license required by this Act.

Approved March 7, 1975

CHAPTER 195

SENATE BILL NO. 2386
(Thane, Strinden)

CONTROL SUBSTANCE PRESCRIPTIONS

AN ACT to amend and reenact subsection 4 of section 19-03.1-22 of the North Dakota Century Code, relating to the requirements of a prescription for dispensing certain controlled substances.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Subsection 4 of section 19-03.1-22 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

4. Except when dispensed directly by a practitioner, other than a pharmacy, to an ultimate user, no controlled substance included in schedule V shall be dispensed without the written or oral prescription of a practitioner. The prescription shall not be filled or refilled more than six months after the date thereof or be refilled more than five times unless renewed by the practitioner. Any oral prescription for such compound, mixture, or preparation shall be promptly reduced to writing by the pharmacist on a new prescription blank and shall be signed within seventy-two hours by the practitioner who issued same.

Approved March 14, 1975

CHAPTER 196

HOUSE BILL NO. 1561
(Atkinson)

EVIDENCE IN PROSECUTIONS FOR
CONTROLLED SUBSTANCES

AN ACT to create and enact a new subsection to section 19-03.1-37 of the North Dakota Century Code, relating to burden of proof-liabilities.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1.) A new subsection to section 19-03.1-37 of the North Dakota Century Code is hereby created and enacted to read as follows:

In all prosecutions under this chapter involving the analysis of a substance or sample thereof, a certified copy of the analytical report signed by the state toxicologist or the state laboratories director shall be accepted as prima facie evidence of the results of the analytical findings.

Notwithstanding any statute or rule to the contrary, the defendant may subpoena the state toxicologist or the state laboratories director or any employee of either to testify at the preliminary hearing and trial of the issue at no cost to the defendant.

Approved March 25, 1975

CHAPTER 197

HOUSE BILL NO. 1154
(Committee on Industry, Business, and Labor)
(At the request of the State Laboratories Commission)

PETROLEUM PRODUCTS DEALER BONDS

AN ACT to amend and reenact section 19-10-21 of the North Dakota Century Code, relating to bond of dealer in petroleum products.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 19-10-21 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

19-10-21. BOND MAY BE REQUIRED OF DEALER IN PETROLEUM PRODUCTS.) The director of the department, if he deems it necessary, may require any person importing gasoline, kerosene, tractor fuel, heating oil, or diesel fuel for sale or consignment within this state or in possession of any such petroleum products with intent to sell the same, to deposit with the department a surety bond payable to the state of North Dakota in the penal sum of five hundred dollars, or in twice the amount of inspection fees due for any calendar month, whichever amount is the greater, guaranteeing to the state true reports of receipts of gasoline, kerosene, tractor fuel, heating oil, and diesel fuel and the payment of all inspection fees provided for in this chapter. The bond shall be approved as to its sufficiency by the department. A single bond may cover dealing in one or all of the petroleum products mentioned in this chapter. When any inspection fee is not paid within twenty days after it has become delinquent, the person bonding the delinquent may be called upon to make good upon the bond for such delinquent fees.

Approved March 12, 1975

CHAPTER 198

SENATE BILL NO. 2170

(Committee on Agriculture)

(At the request of the State Laboratories Commission)

REGISTRATION OF COMMERCIAL FEED PRODUCTS

AN ACT to amend and reenact section 19-13.1-06 of the North Dakota Century Code, relating to registration of commercial feed products.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 19-13.1-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

19-13.1-06. INSPECTION FEES.) There shall be paid to the department for all commercial feeds distributed in this state an inspection fee at the rate of twenty cents per ton; provided, however, that customer-formula feeds are hereby exempted if the inspection fee is paid on the commercial feeds which they contain; and provided, further, that distribution of commercial feeds to manufacturers is hereby exempted if the commercial feeds so distributed are used solely in manufacture of feeds which are registered; and provided, further, that any distributor shall pay an annual registration fee of fifteen dollars for each commercial feed product distributed only in individual packages of ten pounds or less, and the distributor of such product shall not be required to pay the inspection fee on such packages of the product so registered. All fees received by the state laboratories department, as provided for in this chapter, shall be properly recorded by it and forwarded monthly to the treasurer of the state of North Dakota.

Every person, except as hereinafter provided, who distributes commercial feed in this state shall:

1. File, not later than the fifteenth day of January and July of each year, a semiannual statement under oath, setting forth the number of net tons of commercial feeds distributed in this state during the preceding six months; and upon filing such statement shall pay the inspection fee. When more than one person is involved in the distribution of a commercial feed, the person who distributes to the consumer is responsible

for reporting the tonnage and paying the inspection fee.

2. Keep such records as may be necessary or required by the department to indicate accurately the tonnage of commercial feed distributed in this state, and the department shall have the right to examine such records to verify statements of tonnage.

Failure to make an accurate statement of tonnage or to pay the inspection fee or comply as provided herein shall constitute sufficient cause for the cancellation of all registrations on file for the distributor.

Approved March 19, 1975

CHAPTER 199

SENATE BILL NO. 2168
(Committee on Agriculture)
(At the request of the State Laboratories Commission)

REGISTRATION OF LIVESTOCK MEDICINE

AN ACT to amend and reenact section 19-14-02 of the North Dakota Century Code, relating to registration of livestock medicine.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 19-14-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

19-14-02. REGISTRATION OF LIVESTOCK MEDICINE.) The department, upon the application of the manufacturer or distributor thereof and the payment of the registration fee prescribed in section 19-14-04, shall register any livestock medicine which does not violate any of the provisions of this chapter. Such registration shall expire on June 30 of each year unless it is canceled sooner because a change is made in the ingredients or formula of manufacture or in the name, brand, or trademark under which the medicine is sold. In the event of any such change, such medicine shall be registered anew in the same manner as upon an original application.

Approved March 19, 1975

CHAPTER 200

SENATE BILL NO. 2169
(Committee on State and Federal Government)
(At the request of the State Laboratories Commission)

ANTIFREEZE REGISTRATION

AN ACT to amend and reenact section 19-16.1-03 of the North Dakota Century Code, relating to registration of antifreeze.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 19-16.1-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

19-16.1-03. REGISTRATION.) Before any antifreeze may be distributed in this state, the manufacturer or person whose name appears on the label shall make application to the department on forms provided by the latter for registration for each antifreeze which he desires to distribute. All registrations shall expire on June thirtieth of each year. The application shall be accompanied by specimens or facsimiles of its labeling, an inspection fee of twenty dollars for each product, and by a properly labeled sample of the antifreeze. The department shall inspect, test or analyze the antifreeze and review the label. If the antifreeze and labeling is not adulterated or misbranded the department shall issue a certificate of registration, authorizing the distribution of such antifreeze in this state for one year. If the antifreeze or label is not in conformity with the law, the department shall refuse to register the antifreeze and shall return the application to the applicant, stating the reasons therefor. All inspection fees received by the department shall be remitted to the state treasurer for deposit in the state general fund.

Approved February 28, 1975