

**SECTION 450**  
**USE AND SALE OF CONTROLLED SUBSTANCES**

**450.01      GENERAL**

The sale and possession of controlled substances and glue shall be regulated as hereinafter set forth.

**450.02      DEFINITIONS**

Subd. 1      "Controlled substance" means a drug, substance, or immediate precursor in Schedules I through V of Minnesota Statutes Section 152.02. The term shall not include distilled spirits, wine, malt beverages, intoxicating liquors or tobacco.

Subd. 2      "Deliver" means sell, offer for sale, barter, exchange, administer, dispense, give away, distribute or supply in any other manner. The term delivery as herein defined shall include the attempt to do such acts as well as the actual completed commission thereof.

Subd. 3      "Patient" means:

- a.      the individual for whom a controlled substance is prescribed or to whom a controlled substance is administered, or
- b.      the owner or the agent of the owner of any animal for which a controlled substance is prescribed or to which a controlled substance is administered.

Subd. 4      "Person" includes every individual, corporation, partnership and association of one or more individuals.

Subd. 5      "Practitioner" means a person licensed by law to prescribe and administer any of the controlled substances as defined above.

Subd. 6      "Pharmacist" means a person duly licensed and registered with the Minnesota State Board of Pharmacy as a registered pharmacist.

Subd. 7      "Prescription" means a written or oral order by a practitioner to a pharmacist for a controlled substance for a particular patient, which specifies the date of its issue, the name and address of such practitioner, the name of the patient (and, if such controlled substance is prescribed for an animal, the species of such animal), the name and quantity of the controlled substance prescribed, and in the case of written order, the signature of such practitioner. An oral order by a practitioner for a controlled substance must be promptly reduced to writing by the pharmacist.

Subd. 8      "Manufacturer" means a person or persons other than a pharmacist who prepares controlled substances in dosage forms by mixing, compounding, encapsulating, entableting, or other process.

Subd. 9      "Wholesaler" means a person or persons engaged in the business of distributing controlled substances to persons included in any of the classes named in Section 4.

Subd. 10     "Warehouseman" means a person or persons who stores controlled substances, for others, and who has no control over the disposition of such controlled substances except for the purpose of such storage.

**450.03      PROHIBITED ACTS**

Subd. 1      Except as otherwise provided in this section, or by state law it shall be unlawful for any person to:

- a.      manufacture, sell, give away, barter, deliver, exchange or distribute; or possess with intent to manufacture, sell, give away, barter, deliver, exchange or distribute, a controlled substance.
- b.      possess a controlled substance, except when such possession is for one's own use and is authorized by law.

Subd. 2      It shall be unlawful for any person to procure, attempt to procure, possess or have in his control a controlled substance by any of the following means:

- a.      fraud, deceit, misrepresentation or subterfuge;
- b.      Using a false name, or giving a false address or false credit;
- c.      concealing a material fact;
- d.      forging or altering a prescription;
- e.      making a false statement in any prescription, order, report or record relative to a controlled substance;
- f.      making, issuing or uttering any false or forged prescription;
- g.      falsely assuming the title of, or falsely representing any person to be, a manufacturer, wholesaler, warehouseman, pharmacist, physician, doctor of osteopathy licensed to practice medicine, dentist, podiatrist, veterinarian or other authorized person for the purpose of obtaining a controlled substance.

**450.04      EXCEPTIONS**

Section 450.03 of this ordinance shall not apply to the following in the ordinary course of their trade, business or profession provided; however, this exception shall not be a defense to the doing of the acts prohibited in Section 450.03 hereof:

- a.      Practitioners;
- b.      Pharmacists;
- c.      Manufacturers;
- d.      Pharmacists as manufacturers;
- e.      Wholesalers;
- f.      Warehousemen;
- g.      Persons engaged in transporting such controlled substances as agent or employee of a practitioner, pharmacist, manufacturer, warehouseman, wholesaler, or common carrier;
- h.      Any patient as herein defined with respect to procuring, possession and use of a controlled substance in accordance with terms of a prescription and prescribed treatment;
- i.      Persons who procure, possess or use such controlled substances for the purpose of lawful research, teaching or testing, and not for sale;
- j.      Lawfully licensed and registered hospitals or bona fide institutions wherein sick or injured persons are cared for and treated, or bona

vide hospitals for the treatment of animals.

**450.05      USE OF ORIGINAL CONTAINERS AND LABELS REQUIRED**

All patients having possession of any controlled substance, by lawful prescription of a practitioner, while such controlled substances are lawfully in such person's possession, shall keep such controlled substances in the original container in which they were delivered until used in accordance with such prescription, and shall not remove the pharmacist's original label identifying the prescription from such original container.

**450.06      INHALING, BREATHING, DRINKING OF CERTAIN SUBSTANCES PROHIBITED**

No person shall inhale, breath or drink or be or become intoxicated by reason of inhaling, breathing or drinking any substance commonly known as glue, adhesive, cement, mucilage, dope, solvents, lacquer, drugs, fingernail polish and lacquer, nail polish remover, or thinners for the above named substances, or any substance containing toluol, hexane, trichlorethylene, acetone, toluene, ethyl acetate, methyl ethel ketone, trichoroathane, isopropanol, methyl isobutyl keton, methyl callosolve acetate, cyclohexanone, or any other substance which contains ketone, aldehydes, organic acetates, ether, chlorinated hydrocarbons, or any similar ingredient which releases toxic vapors for the purpose of inducing symptoms of intoxication, elation, excitement, confusion, dizziness, paralysis, irrational behavior or in any manner change, distort or disturb the balance, coordination or the audio, visual or mental processes.

**450.07      PURCHASE, SALE OR POSSESSION REGULATED**

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 Section 6.

**450.08      SELF SERVICE DISPLAY PROHIBITED**

Retail establishment selling glue containing the intoxicating substances defined in 450.06 shall not sell such glue from a self-service display.

**450.09      CONFISCATION AND DISPOSITION OF PROHIBITED DRUGS**

Any controlled substances or glue found in the possession of any person convicted of a violation of this ordinance shall be confiscated and shall be forfeited to the Chief of Police who may make use of said items for police purpose, keeping documentation of said use and eventually shall make proper and timely disposition thereof by destroying them.

**450.10      PENALTY**

Any person, firm or corporation who violates this ordinance is guilty of a misdemeanor and may be punishable by a fine or imprisonment or both as provided for by statute.