

MINNESOTA**PRODUCTS:**

- All products (single entity & combination) containing any detectable quantity of pseudoephedrine (PSE) or ephedrine (EPH). (MN Statutes 152.02 Subdivision 6)

PRODUCT EXEMPTIONS (THE FOLLOWING EXEMPTED PRODUCTS ARE STILL CLASSIFIED AS C-V):

- Pediatric products (MN Statutes 152.02 Subdivision 6);
- Methamphetamine precursor drugs that are certified by the BoP as being manufactured in a manner that prevents the drug from being used to manufacture methamphetamine (MN Statutes 152.02 Subdivision 6);
- Compounds, mixtures or preparations in powder form where PSE constitutes less than 1% of total weight and is not the sole active ingredient (MN Statutes 152.02 Subdivision 6);
- Products dispensed pursuant to the terms of a valid prescription are not subject to sales limits. (MN Statutes 152.02 Subdivision 6)

SALES LIMITS:

- Packages may not contain more than 3 grams of EPH / PSE, or for non-liquids, sales in blister packs where each blister contains no more than 2 dosage units, or if use of blister packs is technically infeasible, sales must be in unit dose packaging (MN Statutes 152.02 Subdivision 6);
- Single transactions limited to no more than 2 packages or 6 grams per transaction, and purchaser may not acquire more than 6 grams per 30 days. (MN Statutes 152.02 Subdivision 6)

SALES RESTRICTIONS:

- Places single entity and combination PSE & EPH products on C-V (MN Statutes 152.02 Subdivision 6);
- Products may only be offered for sale by a licensed pharmacist, a registered pharmacy technician or a pharmacy clerk (MN Statutes 152.02 Subdivision 6);
- Sales to persons under 18 prohibited. (MN Statutes 152.02 Subdivision 6)

ID REQUIREMENTS:

- Purchaser must represent provide photo ID at time of sale showing date of birth. (MN Statutes 152.02 Subdivision 6)

RECORDKEEPING REQUIREMENTS:

- Purchaser must sign written or electronic document noting date of sale, purchaser's name, and amount of product sold. (MN Statutes 152.02 Subdivision 6)

PRODUCT PLACEMENT:

- Products must be displayed at behind a checkout counter where the public is not permitted. (MN Statutes 152.02 Subdivision 6)

REPORTING SUSPICIOUS TRANSACTIONS:

- Employees “must” report suspicious transactions to the owner, supervisor, or manager of the establishment, who in turn “may” report to local law enforcement (MN Statutes 152.02 Subdivision 6);
- Those who report suspicious transactions in good faith are immune to civil liability. (MN Statutes 152.02 Subdivision 6)

PENALTIES:

- Persons found guilty of violating sales limits and restrictions, ID, record keeping and product placement requirements can be found guilty of a misdemeanor and may be sentenced to imprisonment of up to 90 days or payment of \$1000 fine, or both; however, for those who are found to have inadvertently sold regulated products to a minor, it is an affirmative defense if the defendant proves that they reasonably and in good faith checked proof of age. (MN Statutes 152.02 Subdivision 6)

RETAILER LIABILITY EXEMPTION:

- An owner, operator, supervisor, or manager of a business establishment whose employee is convicted of violating sales limits and restrictions, ID, record keeping and product placement requirements is not subject to the criminal penalties for violating any of those paragraphs if the person did not have prior knowledge of, participate in, or direct the employee to commit the violation, *and* if they document that an employee training program was in place with information on state and federal laws regarding methamphetamine precursor drugs. (MN Statutes 152.02 Subdivision 6)

WHOLESALE DISTRIBUTION REQUIREMENTS:

- Wholesale drug distributors licensed by the Board of Pharmacy and registered with DEA are exempt from the methamphetamine precursor drug storage requirements. (MN Statutes 152.02 Subdivision 6)

PREEMPTION:

- Preempts all local ordinances and voids those enacted prior to the effective date of this law (July 1, 2005). (MN Statutes 152.02 Subdivision 6)

OTHER:

- Drugs and products for animals containing EPH & PSE require a written prescription from a veterinarian and may only be sold, dispensed or distributed

- by a veterinarian or veterinary assistant (MN Statutes 35.051 Subdivisions 1 & 2);
- Increases fines and penalties methamphetamine manufacturers and abusers. (MN Statutes 152.02 Subdivision 6)

OTHER NOTABLE IMPLICATIONS DUE TO C-V DESIGNATION:

- Note – Regs state that drugs that are not required by federal law to bear any one of the following symbols: C-I, C-II, C-III, C-IV, C-V...or I, II, III, IV, or V...are exempt from the provisions of the Minnesota controlled substances act.
- Marketing
 - A manufacturer, distributor, or agent of a manufacturer or distributor of a controlled substance as defined in Minnesota Statutes, section 152.01, subdivision 4, or parts 6800.4200 to 6800.4250, may not distribute controlled substance samples directly or by other means without charge or at a charge below fair market value to a practitioner unless the practitioner signs a written request for a designated quantity of the controlled substance. The request must also indicate that the controlled substance is to be distributed to the practitioner by the manufacturer or distributor for dispensing to a patient. MN Rules 6800.4500
- Labeling
 - Drugs administered systematically as controlled substances must be labeled including the name, address, and telephone number of pharmacy; patient's name; prescription number; name of prescribing practitioner; directions for use; name of manufacturer or distributor of the finished dosage form of the drug; auxiliary labels as needed; date of original issue or renewal; and generic or trade name of drug and strength, when specified by prescriber to the contrary. In the case of combining pre-manufactured drug products, the names of the products, or a category of use name shall suffice. In the case of compounding basic pharmaceutical ingredients, the common pharmaceutical name, if such exists, the names and strengths of the principle active ingredients or a category of use label shall suffice. Must also include the following statements: "Caution: Taking this drug alone or with alcohol may impair your ability to drive" and "Caution: Federal law prohibits the transfer of this drug to any person other than for the person for whom it was prescribed". MN Rules 6800.4150; MN Rules 6800.3400
- Theft / Loss / Transaction Reports
 - Suppliers furnishing precursors to persons in MN must no less than 21 days before delivery submit to the Bureau of Criminal Apprehension a report of the transaction. MN Statutes 152.0973
 - Suppliers or purchasers of precursors that discover discrepancy between the quantity shipped and the quantity received must report the

discrepancy to the Bureau of Criminal Apprehension within 3 days.
(Refer to statute for full detail on report content.) MN Statutes 152.0973