HOUSE RESEARCH

Bill Summary

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Subject: Synthetic drugs

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Overview

This bill contains the legislative recommendations from the House's Select Committee on Controlled Substances and Synthetic Drugs.

Section

1 **Drug.** Expands the definition of "drug" in the chapter of law addressing pharmacy matters. Drug would include any compound, substance, or derivative which is not approved for human consumption by the United States Food and Drug Administration or specifically permitted by Minnesota law, and when introduced into the body, induces an effect substantially similar to that of a Schedule I or Schedule II controlled substance regardless of whether the substance is marketed for the purpose of human consumption. This broader definition will give the Board of Pharmacy more power to regulate synthetic drugs.

2 – 3 **Cease and desist orders.** Empowers the Board of Pharmacy to issue cease and desist orders to businesses that sell synthetic drugs. The Board would have the authority to order a business to cease selling synthetic drugs that, in the Board's opinion, are a banned substance or analog of Schedule I or Schedule II drugs. An affected business would be entitled to an administrative hearing to challenge the Board's order. The Board's authority is patterned after the Commissioner of Commerce's cease and desist authority (Minn. Stat, ch. 45).

4 **Exceptions.** Clarifies that pharmacists and retailers may not sell synthetic drugs and are subject to the authority of the Board of Pharmacy if they do so.

5 **Prohibited acts.** Expressly prohibits the sale of synthetic drugs that induce the same or substantially similar effect as scheduled controlled substances.

Section

6 **Drugs, adulteration.** Specifies that a drug is considered adulterated if it was manufactured at a facility not licensed pursuant to the standards established in chapter 151 (pharmacy).

7 **Drugs, misbranding.** Specifies that a drug is deemed misbranded if the package does not include a statement of ingredients.

8 **Expedited scheduling of additional substances.** Strikes the statutory requirement that the Board of Pharmacy's emergency drug scheduling decisions must be ratified by the Legislature to make the Board's actions final. As a check on the Board's emergency rulemaking authority, the Legislature established a legislative ratification requirement. The Legislature would retain the authority to overturn a scheduling decision by the Board of Pharmacy with regard to a specific compound.

Removes the sunset on the Board of Pharmacy's emergency drug scheduling authority. The Board's authority is set to expire on August 1, 2014.