

**CHAPTER 19-04  
POISONS AND DELETERIOUS PREPARATIONS**

**19-04-01. Selling certain enumerated poisons regulated - Penalty.**

Every person who, at retail, without receiving a physician's prescription specifying that such prescription shall contain a poison and giving the name thereof, sells, furnishes, gives away, or delivers to another:

1. Arsenic or any preparation thereof, corrosive sublimate, white precipitate, red precipitate, biniodide of mercury, cyanide of potassium, hydrocyanic acid, strychnia, or any other poison or vegetable alkaloid, or the salts thereof, or essential oil of bitter almonds; or
2. Aconite, belladonna, colchicum, conium, formaldehyde, nux vomica, henbane, savin, ergot, cotton root, cantharides, creosote, digitalis, or the pharmaceutical preparations of any of them, croton oil, chloroform, sulfate of zinc, mineral acids, carbolic acid, or oxalic acid,

without affixing to the bottle, box, vessel, or package containing the same, the name of the contents, the word "poison", and the person's name and place of business, is guilty of a class A misdemeanor. Any storekeeper, however, may sell in original, unbroken packages, fungicides and insecticides, including formaldehyde and Paris green, generally used for agricultural purposes which have been designated as such by the state board of pharmacy.

**19-04-02. Chloral hydrate not to be sold without prescription.**

Repealed by S.L. 1975, ch. 106, § 673.

**19-04-03. Records to be kept of poisons dispensed - Examination of records - Penalty.**

Every person who sells at retail, furnishes, gives away, or delivers to another any of the articles or preparations mentioned in section 19-04-01 or any drug, chemical, or preparation which, according to the standard works on medicine or materia medica, is liable, in quantities of sixty grains [388.80 centigrams] or less, to destroy adult human life, and who:

1. Fails or neglects, before delivering the same, to enter or cause to be entered in a book kept for that purpose, the date of sale, the name and address of the person to whom the article or preparation is delivered or sold, the name, quantity, and quality of the article or preparation delivered or sold, and the name of the dispenser; or
2. Fails, neglects, or refuses, during business hours, to exhibit such book, and every part thereof, for inspection, and to permit the same to be inspected, upon demand, by any physician, coroner, peace officer, or magistrate of the county,

is guilty of a class A misdemeanor.

**19-04-04. Distribution of certain drugs and preparations prohibited - Penalty.**

No person, for the purpose of advertising or inviting or suggesting the use of any such article, may leave, throw, or deposit upon the doorstep or premises of another, or within the dwelling, barn, or other building owned or occupied by another, without a special personal request, samples or any quantities of any of the following preparations:

1. Patent or proprietary medicines; or
2. Any preparation, pill, tablet, powder, capsule, cosmetic, disinfectant, antiseptic, drug, medicine, or condiment that contains poison or any ingredient that is deleterious to health, or that contains an ingredient the name of which has to be printed upon the label or to be disclosed otherwise under any law of this state or of the United States.

Any person who violates any provision of this section is guilty of a class B misdemeanor.

**19-04-05. Definitions of terms used in preceding section.**

The terms "drug", "medicine", "patent or proprietary medicine", "pill", "tablet", "powder", "capsule", "cosmetic", "disinfectant", "antiseptic", or "condiment" as used in section 19-04-04

include all remedies for internal, external, or technical use, either in package or bulk, simple, mixed, or compound.

**19-04-06. Preparations a nuisance - May be destroyed.**

The samples of goods described in section 19-04-04 must be deemed a nuisance and a danger and menace to the safety of children, members of the household, or livestock. If such samples are not removed upon notice by a member of the household, or if they are left behind purposely and not removed within twenty-four hours without notice, such samples may be removed, destroyed, or annihilated and disposed of by any member of the household and no accounting will have to be rendered, and an action demanding such accounting may not be maintained in any court. A defense for a violation of section 19-04-04 may not be sustained unless a receipt or a request for the goods, dated and signed by the householder, is produced as evidence.

**19-04-07. Penalty.**

Repealed by S.L. 1975, ch. 106, § 673.

**19-04-08. Distribution of anabolic steroids prohibited - Exception - Penalty.**

A person who distributes or possesses with the intent to distribute an anabolic steroid for any use in humans other than the treatment of disease under the prescription of a physician is guilty of a class B felony.

**19-04-09. Distribution of substance or device to defraud urine test prohibited - Penalty.**

A person is guilty of a class A misdemeanor if that person willfully manufactures, advertises, sells, or distributes any substance or device that is intended to defraud a urine test designed to detect the presence of a chemical substance or a controlled substance.