

1 Board of Pharmacy

2

3 Adopted Permanent Rules Relating to Dispensing and Distribution  
4 of Legend Medical Gases; Distribution of Veterinary Drugs and  
5 Devices

6

7 Rules as Adopted

8 DISPENSING AND DISTRIBUTION OF LEGEND MEDICAL GASES

9 6800.9920 DISPENSING AND DISTRIBUTION OF LEGEND MEDICAL GASES.

10 Parts 6800.9920 to 6800.9924 apply to the retail sale and  
11 distribution of legend medical gases.

12 6800.9921 REGISTRATION.

13 Subpart 1. **Annual registration required.** Every person or  
14 establishment selling or distributing legend medical gases in  
15 Minnesota at retail that is not currently licensed as a  
16 pharmacy, pharmacist, or practitioner as defined in Minnesota  
17 Statutes, section 151.01, shall annually apply for registration  
18 by the board. Employees of an establishment need not register  
19 if the establishment is registered or has applied for  
20 registration.

21 Subp. 2. **Issuance.** Upon the filing of an application for  
22 registration, and upon the payment of a fee of \$50, the board  
23 shall issue a registration certificate in a form it prescribes.

24 Subp. 3. **Renewals.** The certificate expires on December 1  
25 of each year, and must be renewed annually. Renewal  
26 applications received after December 1 are subject to a late  
27 filing fee of \$25 in addition to the renewal fee.

28 Subp. 4. **Separate registration required.** A separate  
29 registration is required for each location and is not  
30 transferable. The registration certificate must be displayed at  
31 the location for which it was issued. A change in the location  
32 of a registered facility will require reregistration.

33 6800.9922 RESTRICTED SALES.

34 No person or establishment shall sell or distribute legend

1 medical gases at retail to anyone other than:

2           A. a patient on the basis of a prescription from a  
3 practitioner; or

4           B. a hospital, a practitioner as defined in Minnesota  
5 Statutes, section 151.01, subdivision 23, a licensed pharmacy,  
6 or other institution or person licensed to possess these drugs  
7 for use in the usual course of practice. The distributor of  
8 these items shall determine if the purchaser is licensed to  
9 possess them.

10 6800.9923 LABELING.

11           No person or distributor may sell or distribute any legend  
12 medical gas product at retail without the manufacturer's intact  
13 federally required label of "Caution: Federal Law Prohibits  
14 Dispensing Without Prescription."

15 6800.9924 RECORDS.

16           A sale or distribution of legend medical gases by  
17 registered distributors of these items at retail must be limited  
18 to the prescription or order of a licensed practitioner. These  
19 orders or prescriptions must be maintained for at least two  
20 years, must be filed by patient name or date, and must be  
21 readily retrievable and available for inspection by the Board of  
22 Pharmacy. The prescription must bear at least the patient's  
23 name and address, date, name and quantity of legend medical gas  
24 distributed, and name and address of the prescriber. Refills of  
25 legend medical gases must be recorded on the patient's  
26 prescription record. The distributor of these articles is  
27 responsible for obtaining authority for refills from the  
28 prescriber.

29           ~~DISTRIBUTION-OF-VETERINARY-DRUGS-AND-DEVICES~~

30 ~~6800.9930-DISTRIBUTION-OF-VETERINARY-DRUGS-AND-DEVICES-~~

31           ~~Parts-6800.9930-to-6800.9932-apply-to-the-retail-sale-and~~  
32 ~~distribution-of-veterinary-drugs-and-devices-~~

33 ~~6800.9931-REGISTRATION-~~

34           ~~Subpart-1---Annual-registration-required---Every-person-or~~

1 establishment-selling-or-distributing-veterinary-drugs-and  
2 devices-in-Minnesota-at-retail-that-is-not-currently-licensed-as  
3 a-pharmacy,pharmacist,or-practitioner-as-defined-in-Minnesota  
4 Statutes,section-151.01,shall-annually-apply-for-registration  
5 by-the-board.--Employees-of-an-establishment-need-not-register  
6 if-the-establishment-is-registered-or-has-applied-for  
7 registration.

8 Subp.-2.--Issuance.--Upon-the-filing-of-an-application-for  
9 registration-and-upon-the-payment-of-a-fee-of-\$50,the-board  
10 shall-issue-a-registration-certificate-in-a-form-it-prescribes.

11 Subp.-3.--Renewals.--The-certificate-expires-on-December-1  
12 of-each-year, and-shall-be-renewed-annually.--Renewal  
13 applications-received-after-December-1-are-subject-to-a-late  
14 filing-fee-of-\$25-in-addition-to-the-renewal-fee.

15 Subp.-4.--Separate-registration-required.--A-separate  
16 registration-is-required-for-each-location-and-is-not  
17 transferable.--The-certificate-shall-be-displayed-at-the  
18 location-for-which-it-was-issued.--A-change-in-the-location-of  
19 the-registered-facility-will-require-reregistration.

20 6800.9932-PACKAGING.

21 A-veterinary-drug-retailer-shall-deliver-veterinary-drugs  
22 to-a-client-or-a-client's-agent-only-in-the-original  
23 manufacturer's-package.