

685.22 **ARTICLE 11**

685.23 **HEALTH-RELATED LICENSING BOARDS**

685.24 Section 1. [144A.291] FEES.

685.25 Subdivision 1. Nonrefundable fees. All fees are nonrefundable.

685.26 Subd. 2. Amounts. (a) Fees may not exceed the following amounts but may be adjusted

685.27 lower by board direction and are for the exclusive use of the board as required to sustain

685.28 board operations. The maximum amounts of fees are:

685.29 (1) application for licensure, \$200;

686.1 (2) for a prospective applicant for a review of education and experience advisory to the

686.2 license application, \$100, to be applied to the fee for application for licensure if the latter

686.3 is submitted within one year of the request for review of education and experience;

686.4 (3) state examination, \$125;

686.5 (4) initial license, \$250 if issued between July 1 and December 31, \$100 if issued between

686.6 January 1 and June 30;

686.7 (5) acting administrator permit, \$400;

686.8 (6) renewal license, \$250;

686.9 (7) duplicate license, \$50;

686.10 (8) reinstatement fee, \$250;

686.11 (9) health services executive initial license, \$200;

686.12 (10) health services executive renewal license, \$200;

686.13 (11) reciprocity verification fee, \$50;

686.14 (12) second shared administrator assignment, \$250;

686.15 (13) continuing education fees:

686.16 (i) greater than 6 hours, \$50; and

686.17 (ii) 7 hours or more, \$75;

686.18 (14) education review, \$100;

686.19 (15) fee to a sponsor for review of individual continuing education seminars, institutes,

686.20 workshops, or home study courses:

686.21 (i) for less than seven clock hours, \$30; and

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361.13 **HEALTH LICENSING BOARDS**

- 686.22 (ii) for seven or more clock hours, \$50;
- 686.23 (16) fee to a licensee for review of continuing education seminars, institutes, workshops,
- 686.24 or home study courses not previously approved for a sponsor and submitted with an
- 686.25 application for license renewal;
- 686.26 (i) for less than seven clock hours total, \$30; and
- 686.27 (ii) for seven or more clock hours total, \$50;
- 686.28 (17) late renewal fee, \$75;
- 686.29 (18) fee to a licensee for verification of licensure status and examination scores, \$30;
- 687.1 (19) registration as a registered continuing education sponsor, \$1,000; and
- 687.2 (20) mail labels, \$75.
- 687.3 (b) The revenue generated from the fees must be deposited in an account in the state
- 687.4 government special revenue fund.

361.14 Section 1. Minnesota Statutes 2018, section 147.037, subdivision 1, is amended to read:

361.15 Subdivision 1. **Requirements.** The board shall issue a license to practice medicine to

361.16 any person who satisfies the requirements in paragraphs (a) to (g).

361.17 (a) The applicant shall satisfy all the requirements established in section 147.02,

361.18 subdivision 1, paragraphs (a), (e), (f), (g), and (h).

361.19 (b) The applicant shall present evidence satisfactory to the board that the applicant is a

361.20 graduate of a medical or osteopathic school approved by the board as equivalent to accredited

361.21 United States or Canadian schools based upon its faculty, curriculum, facilities, accreditation,

361.22 or other relevant data. If the applicant is a graduate of a medical or osteopathic program

361.23 that is not accredited by the Liaison Committee for Medical Education or the American

361.24 Osteopathic Association, the applicant may use the Federation of State Medical Boards'

361.25 Federation Credentials Verification Service (FCVS) or its successor. If the applicant uses

361.26 this service as allowed under this paragraph, the physician application fee may be less than

361.27 \$200 but must not exceed the cost of administering this paragraph.

361.28 (c) The applicant shall present evidence satisfactory to the board that the applicant has

361.29 been awarded a certificate by the Educational Council for Foreign Medical Graduates, and

361.30 the applicant has a working ability in the English language sufficient to communicate with

361.31 patients and physicians and to engage in the practice of medicine.

361.32 (d) The applicant shall present evidence satisfactory to the board of the completion of

361.33 ~~two years~~ one year of graduate, clinical medical training in a program ~~located in the United~~

362.1 ~~States, its territories, or Canada and accredited by a national accrediting organization~~

362.2 ~~approved by the board~~ accredited by a national accrediting organization approved by the

362.3 ~~board or other graduate training approved in advance by the board as meeting standards~~  
362.4 ~~similar to those of a national accrediting organization. This requirement does not apply:~~

362.5 (1) ~~to an applicant who is admitted as a permanent immigrant to the United States on or~~  
362.6 ~~before October 1, 1991, as a person of exceptional ability in the sciences according to Code~~  
362.7 ~~of Federal Regulations, title 20, section 656.22(d); or~~

362.8 (2) ~~to an applicant holding a valid license to practice medicine in another country and~~  
362.9 ~~issued a permanent immigrant visa after October 1, 1991, as a person of extraordinary ability~~  
362.10 ~~in the field of science or as an outstanding professor or researcher according to Code of~~  
362.11 ~~Federal Regulations, title 8, section 204.5(h) and (i), or a temporary nonimmigrant visa as~~  
362.12 ~~a person of extraordinary ability in the field of science according to Code of Federal~~  
362.13 ~~Regulations, title 8, section 214.2(o),~~

362.14 ~~provided that a person under clause (1) or (2) is admitted pursuant to rules of the United~~  
362.15 ~~States Department of Labor; or~~

362.16 ~~(3) to an applicant who is licensed in another state, has practiced five years without~~  
362.17 ~~disciplinary action in the United States, its territories, or Canada, has completed one year~~  
362.18 ~~of the graduate, clinical medical training required by this paragraph, and has passed the~~  
362.19 ~~Special Purpose Examination of the Federation of State Medical Boards within three attempts~~  
362.20 ~~in the 24 months before licensing.~~

362.21 (e) The applicant must:

362.22 (1) ~~have passed an examination prepared and graded by the Federation of State Medical~~  
362.23 ~~Boards, the United States Medical Licensing Examination program in accordance with~~  
362.24 ~~section 147.02, subdivision 1, paragraph (c), clause (2), or the Medical Council of Canada;~~  
362.25 ~~and~~

362.26 (2) ~~have a current license from the equivalent licensing agency in another state or country~~  
362.27 ~~and, if the examination in clause (1) was passed more than ten years ago, either:~~

362.28 (i) ~~pass the Special Purpose Examination of the Federation of State Medical Boards with~~  
362.29 ~~a score of 75 or better within three attempts; or~~

362.30 (ii) ~~have a current certification by a specialty board of the American Board of Medical~~  
362.31 ~~Specialties, of the American Osteopathic Association, of the Royal College of Physicians~~  
362.32 ~~and Surgeons of Canada, or of the College of Family Physicians of Canada; or~~

363.1 (3) ~~if the applicant fails to meet the requirement established in section 147.02, subdivision~~  
363.2 ~~1, paragraph (c), clause (2), because the applicant failed to pass each of steps one, two, and~~  
363.3 ~~three of the USMLE within the required three attempts, the applicant may be granted a~~  
363.4 ~~license provided the applicant:~~

363.5 (i) ~~has passed each of steps one, two, and three with passing scores as recommended by~~  
363.6 ~~the USMLE program within no more than four attempts for any of the three steps;~~

- 363.7 (ii) is currently licensed in another state; and
- 363.8 (iii) has current certification by a specialty board of the American Board of Medical  
363.9 Specialties, the American Osteopathic Association, the Royal College of Physicians and  
363.10 Surgeons of Canada, or the College of Family Physicians of Canada.
- 363.11 (f) The applicant must not be under license suspension or revocation by the licensing  
363.12 board of the state or jurisdiction in which the conduct that caused the suspension or revocation  
363.13 occurred.
- 363.14 (g) The applicant must not have engaged in conduct warranting disciplinary action  
363.15 against a licensee, or have been subject to disciplinary action other than as specified in  
363.16 paragraph (f). If an applicant does not satisfy the requirements stated in this paragraph, the  
363.17 board may issue a license only on the applicant's showing that the public will be protected  
363.18 through issuance of a license with conditions or limitations the board considers appropriate.
- 363.19 Sec. 2. Minnesota Statutes 2018, section 147.0375, subdivision 1, is amended to read:
- 363.20 Subdivision 1. **Requirements.** The board shall issue a license to practice medicine to  
363.21 any person who satisfies the requirements in paragraphs (a) to (d).
- 363.22 (a) The applicant must satisfy all the requirements established in section 147.02,  
363.23 subdivision 1, paragraphs (a), (e), (f), (g), and (h).
- 363.24 (b) The applicant must present evidence satisfactory to the board that the applicant is a  
363.25 graduate of a medical or osteopathic school approved by the board as equivalent to accredited  
363.26 United States or Canadian schools based upon its faculty, curriculum, facilities, accreditation,  
363.27 or other relevant data. If the applicant is a graduate of a medical or osteopathic program  
363.28 that is not accredited by the Liaison Committee for Medical Education or the American  
363.29 Osteopathic Association, the applicant may use the Federation of State Medical Boards'  
363.30 Federation Credentials Verification Service (FCVS) or its successor. If the applicant uses  
363.31 this service as allowed under this paragraph, the physician application fee may be less than  
363.32 \$200 but must not exceed the cost of administering this paragraph.
- 364.1 (c) The applicant must present evidence satisfactory to the board of the completion of  
364.2 ~~two years~~ one year of graduate, clinical medical training in a program located in the United  
364.3 States, its territories, or Canada and accredited by a national accrediting organization  
364.4 approved by the board accredited by a national accrediting organization approved by the  
364.5 board or other graduate training approved in advance by the board as meeting standards  
364.6 similar to those of a national accrediting organization. This requirement does not apply:
- 364.7 (1) to an applicant who is admitted as a permanent immigrant to the United States on or  
364.8 before October 1, 1991, as a person of exceptional ability in the sciences according to Code  
364.9 of Federal Regulations, title 20, section 656.22 (d); or
- 364.10 (2) to an applicant holding a valid license to practice medicine in another state or country  
364.11 and issued a permanent immigrant visa after October 1, 1991, as a person of extraordinary  
364.12 ability in the field of science or as an outstanding professor or researcher according to Code

687.5 Sec. 2. Minnesota Statutes 2018, section 147D.27, is amended by adding a subdivision to  
687.6 read:

687.7 Subd. 5. **Additional fees.** (a) The following fees also apply:

687.8 (1) traditional midwifery annual registration fee, \$100;

687.9 (2) traditional midwifery application fee, \$100;

687.10 (3) traditional midwifery late fee, \$75;

687.11 (4) traditional midwifery inactive status, \$50;

687.12 (5) traditional midwifery temporary permit, \$75;

687.13 (6) traditional midwifery certification fee, \$25;

687.14 (7) duplicate license or registration fee, \$20;

687.15 (8) certification letter, \$25;

687.16 (9) education or training program approval fee, \$100; and

687.17 (10) report creation and generation, \$60 per hour billed in quarter-hour increments with  
687.18 a quarter-hour minimum.

687.19 (b) The revenue generated from the fees must be deposited in an account in the state  
687.20 government special revenue fund.

687.21 **EFFECTIVE DATE.** This section is effective the day following final enactment.

687.22 Sec. 3. Minnesota Statutes 2018, section 147E.40, subdivision 1, is amended to read:

687.23 Subdivision 1. **Fees.** (a) Fees are as follows:

687.24 (1) registration application fee, \$200;

364.13 of Federal Regulations, title 8, section 204.5(h) and (i), or a temporary nonimmigrant visa  
364.14 or status as a person of extraordinary ability in the field of science according to Code of  
364.15 Federal Regulations, title 8, section 214.2(o); ~~or~~

364.16 (3) to an applicant who is licensed in another state, has practiced five years without  
364.17 disciplinary action in the United States, its territories, or Canada, has completed one year  
364.18 of the graduate, clinical medical training required by this paragraph, and has passed the  
364.19 Special Purpose Examination of the Federation of State Medical Boards within three attempts  
364.20 in the 24 months before licensing.

364.21 (d) The applicant must present evidence satisfactory to the board that the applicant has  
364.22 been appointed to serve as a faculty member of a medical school accredited by the Liaison  
364.23 Committee of Medical Education or an osteopathic medical school accredited by the  
364.24 American Osteopathic Association.

- 687.25 (2) renewal fee, \$150;
- 687.26 (3) late fee, \$75;
- 687.27 (4) inactive status fee, \$50; ~~and~~
- 688.1 (5) temporary permit fee, \$25;
- 688.2 (6) naturopathic doctor certification fee, \$25;
- 688.3 (7) naturopathic doctor duplicate license fee, \$20;
- 688.4 (8) naturopathic doctor emeritus registration fee, \$50;
- 688.5 (9) naturopathic doctor certification fee, \$25;
- 688.6 (10) duplicate license or registration fee, \$20;
- 688.7 (11) education or training program approval fee, \$100; and
- 688.8 (12) report creation and generation, \$60 per hour billed in quarter-hour increments with
- 688.9 a quarter-hour minimum.
- 688.10 (b) The revenue generated from the fees must be deposited in an account in the state
- 688.11 government special revenue fund.
- 688.12 **EFFECTIVE DATE.** This section is effective the day following final enactment.
- 688.13 Sec. 4. Minnesota Statutes 2018, section 147F.17, subdivision 1, is amended to read:
- 688.14 Subdivision 1. **Fees.** (a) Fees are as follows:
- 688.15 (1) license application fee, \$200;
- 688.16 (2) initial licensure and annual renewal, \$150; ~~and~~
- 688.17 (3) late fee, \$75;
- 688.18 (4) genetic counselor certification fee, \$25;
- 688.19 (5) duplicate license fee, \$20;
- 688.20 (6) education or training program approval fee, \$100; and
- 688.21 (7) report creation and generation, \$60 per hour billed in quarter-hour increments with
- 688.22 a quarter-hour minimum.
- 688.23 (b) The revenue generated from the fees must be deposited in an account in the state
- 688.24 government special revenue fund.
- 688.25 **EFFECTIVE DATE.** This section is effective the day following final enactment.
- 689.1 Sec. 5. Minnesota Statutes 2018, section 148.59, is amended to read:
- 689.2 148.59 LICENSE RENEWAL; LICENSE AND REGISTRATION FEES.

- 364.25 Sec. 3. Minnesota Statutes 2018, section 148.59, is amended to read:
- 364.26 148.59 LICENSE RENEWAL; LICENSE AND REGISTRATION FEES.

689.3 A licensed optometrist shall pay to the state Board of Optometry a fee as set by the board  
689.4 in order to renew a license as provided by board rule. No fees shall be refunded. Fees may  
689.5 not exceed the following amounts but may be adjusted lower by board direction and are for  
689.6 the exclusive use of the board:

- 689.7 (1) optometry licensure application, \$160;
- 689.8 (2) optometry annual licensure renewal, ~~\$135~~ \$200;
- 689.9 (3) optometry late penalty fee, \$75;
- 689.10 (4) annual license renewal card, \$10;
- 689.11 (5) continuing education provider application, \$45;
- 689.12 (6) emeritus registration, \$10;
- 689.13 (7) endorsement/reciprocity application, \$160;
- 689.14 (8) replacement of initial license, \$12; ~~and~~
- 689.15 (9) license verification, \$50; ~~and~~
- 689.16 (10) state juris prudence examination, \$75; ~~and~~

689.17 (11) miscellaneous labels and data retrieval, \$50.

689.18 Sec. 6. Minnesota Statutes 2018, section 148.6445, subdivision 1, is amended to read:

689.19 Subdivision 1. **Initial licensure fee.** The initial licensure fee for occupational therapists  
689.20 is \$145 \$185. The initial licensure fee for occupational therapy assistants is \$80 \$105. The  
689.21 board shall prorate fees based on the number of quarters remaining in the biennial licensure  
689.22 period.

689.23 Sec. 7. Minnesota Statutes 2018, section 148.6445, subdivision 2, is amended to read:

689.24 Subd. 2. **Licensure renewal fee.** The biennial licensure renewal fee for occupational  
689.25 therapists is \$145 \$185. The biennial licensure renewal fee for occupational therapy assistants  
689.26 is \$80 \$105.

689.27 Sec. 8. Minnesota Statutes 2018, section 148.6445, subdivision 2a, is amended to read:

689.28 Subd. 2a. **Duplicate license fee.** The fee for a duplicate license is \$25 \$30.

690.1 Sec. 9. Minnesota Statutes 2018, section 148.6445, subdivision 3, is amended to read:

690.2 Subd. 3. **Late fee.** The fee for late submission of a renewal application is \$25 \$50.

690.3 Sec. 10. Minnesota Statutes 2018, section 148.6445, subdivision 4, is amended to read:

690.4 Subd. 4. **Temporary licensure fee.** The fee for temporary licensure is \$50 \$75.

364.27 A licensed optometrist shall pay to the state Board of Optometry a fee as set by the board  
364.28 in order to renew a license as provided by board rule. No fees shall be refunded. Fees may  
364.29 not exceed the following amounts but may be adjusted lower by board direction and are for  
364.30 the exclusive use of the board:

- 364.31 (1) optometry licensure application, \$160;
- 364.32 (2) optometry annual licensure renewal, ~~\$135~~ \$170;
- 365.1 (3) optometry late penalty fee, \$75;
- 365.2 (4) annual license renewal card, \$10;
- 365.3 (5) continuing education provider application, \$45;
- 365.4 (6) emeritus registration, \$10;
- 365.5 (7) endorsement/reciprocity application, \$160;
- 365.6 (8) replacement of initial license, \$12; ~~and~~
- 365.7 (9) license verification, \$50; ~~and~~
- 365.8 (10) jurisprudence state examination, \$75;

365.9 (11) Optometric Education Continuing Education data bank registration, \$20; ~~and~~

365.10 (12) data requests and labels, \$50.

- 690.5 Sec. 11. Minnesota Statutes 2018, section 148.6445, subdivision 5, is amended to read:
- 690.6 Subd. 5. **Limited licensure fee.** The fee for limited licensure is ~~\$96~~ \$100.
- 690.7 Sec. 12. Minnesota Statutes 2018, section 148.6445, subdivision 6, is amended to read:
- 690.8 Subd. 6. **Fee for course approval after lapse of licensure.** The fee for course approval  
690.9 after lapse of licensure is ~~\$96~~ \$100.
- 690.10 Sec. 13. Minnesota Statutes 2018, section 148.6445, subdivision 10, is amended to read:
- 690.11 Subd. 10. **Use of fees.** (a) All fees are nonrefundable. The board shall only use fees  
690.12 collected under this section for the purposes of administering this chapter. The legislature  
690.13 must not transfer money generated by these fees from the state government special revenue  
690.14 fund to the general fund.
- 690.15 (b) Licensure fees are for the exclusive use of the board and shall be established by the  
690.16 board not to exceed the nonrefundable amounts in this section.
- 690.17 Sec. 14. Minnesota Statutes 2018, section 148.7815, subdivision 1, is amended to read:
- 690.18 Subdivision 1. **Fees.** (a) The board shall establish fees as follows:
- 690.19 (1) application fee, \$50; and
- 690.20 (2) annual license fee, \$100-;
- 690.21 (3) athletic trainer certification fee, \$25;
- 690.22 (4) athletic trainer duplicate license fee, \$20;
- 690.23 (5) duplicate license or registration fee, \$20;
- 690.24 (6) education or training program approval fee, \$100;
- 690.25 (7) report creation and generation, \$60 per hour billed in quarter-hour increments with  
690.26 a quarter-hour minimum; and
- 690.27 (8) examination administrative fee:
- 691.1 (i) half day, \$50; and
- 691.2 (ii) full day, \$80.
- 691.3 (b) The revenue generated from the fees must be deposited in an account in the state  
691.4 government special revenue fund.
- 691.5 **EFFECTIVE DATE.** This section is effective the day following final enactment.
- 691.6 Sec. 15. [148.981] FEES.



691.7 Subdivision 1. **Licensing fees.** The nonrefundable fees for licensure shall be established  
691.8 by the board, not to exceed the following amounts:

691.9 (1) application for admission to national standardized examination, \$150;

691.10 (2) application for professional responsibility examination, \$150;

691.11 (3) application for licensure as a licensed psychologist, \$500;

691.12 (4) renewal of license for a licensed psychologist, \$500;

691.13 (5) late renewal of license for a licensed psychologist, \$250;

691.14 (6) application for converting from master's to doctoral level licensure, \$150;

691.15 (7) application for guest licensure, \$150;

691.16 (8) certificate replacement fee, \$25;

691.17 (9) mailing and duplication fee, \$5;

691.18 (10) statute and rule book fee, \$10;

691.19 (11) verification fee, \$20; and

691.20 (12) fee for optional preapproval of postdoctoral supervision, \$50.

691.21 Subd. 2. **Continuing education sponsor fee.** A sponsor applying for approval of a  
691.22 continuing education activity pursuant to Minnesota Rules, part 7200.3830, subpart 2, shall  
691.23 submit with the application a fee to be established by the board, not to exceed \$80 for each  
691.24 activity.

691.25 **EFFECTIVE DATE.** This section is effective the day following final enactment.

692.1 Sec. 16. Minnesota Statutes 2018, section 148E.180, is amended to read:  
692.2 148E.180 FEE AMOUNTS.

692.3 Subdivision 1. **Application fees.** Nonrefundable application fees for licensure are as  
692.4 follows may not exceed the following amounts but may be adjusted lower by board action:

692.5 (1) for a licensed social worker, ~~\$45~~ \$75;

692.6 (2) for a licensed graduate social worker, ~~\$45~~ \$75;

692.7 (3) for a licensed independent social worker, ~~\$45~~ \$75;

692.8 (4) for a licensed independent clinical social worker, ~~\$45~~ \$75;

692.9 (5) for a temporary license, \$50; and

692.10 (6) for a ~~licensure~~ license by endorsement, ~~\$85~~ \$115.

365.11 Sec. 4. Minnesota Statutes 2018, section 148E.180, is amended to read:  
365.12 148E.180 FEE AMOUNTS.

365.13 Subdivision 1. **Application fees.** Nonrefundable application fees for licensure are as  
365.14 follows may not exceed the following amounts:

365.15 (1) for a licensed social worker, ~~\$45~~ \$54;

365.16 (2) for a licensed graduate social worker, ~~\$45~~ \$54;

365.17 (3) for a licensed independent social worker, ~~\$45~~ \$54;

365.18 (4) for a licensed independent clinical social worker, ~~\$45~~ \$54;

365.19 (5) for a temporary license, \$50; and

365.20 (6) for a ~~licensure~~ by endorsement, ~~\$85~~ \$92.

692.11 The fee for criminal background checks is the fee charged by the Bureau of Criminal  
692.12 Apprehension. The criminal background check fee must be included with the application  
692.13 fee as required according to section 148E.055.

692.14 Subd. 2. **License fees.** Nonrefundable license fees are as follows may not exceed the  
692.15 following amounts but may be adjusted lower by board action:

692.16 (1) for a licensed social worker, ~~\$81~~ \$115;

692.17 (2) for a licensed graduate social worker, ~~\$144~~ \$210;

692.18 (3) for a licensed independent social worker, ~~\$216~~ \$305;

692.19 (4) for a licensed independent clinical social worker, ~~\$238.50~~ \$335;

692.20 (5) for an emeritus inactive license, ~~\$43.20~~ \$65;

692.21 (6) for an emeritus active license, one-half of the renewal fee specified in subdivision  
692.22 3; and

692.23 (7) for a temporary leave fee, the same as the renewal fee specified in subdivision 3.

692.24 If the licensee's initial license term is less or more than 24 months, the required license  
692.25 fees must be prorated proportionately.

692.26 Subd. 3. **Renewal fees.** Nonrefundable renewal fees for licensure are as follows may  
692.27 not exceed the following amounts but may be adjusted lower by board action:

692.28 (1) for a licensed social worker, ~~\$81~~ \$115;

692.29 (2) for a licensed graduate social worker, ~~\$144~~ \$210;

693.1 (3) for a licensed independent social worker, ~~\$216~~ \$305; and

693.2 (4) for a licensed independent clinical social worker, ~~\$238.50~~ \$335.

693.3 Subd. 4. **Continuing education provider fees.** Continuing education provider fees are  
693.4 as follows the following nonrefundable amounts:

693.5 (1) for a provider who offers programs totaling one to eight clock hours in a one-year  
693.6 period according to section 148E.145, ~~\$50~~ \$50;

693.7 (2) for a provider who offers programs totaling nine to 16 clock hours in a one-year  
693.8 period according to section 148E.145, ~~\$100~~ \$100;

693.9 (3) for a provider who offers programs totaling 17 to 32 clock hours in a one-year period  
693.10 according to section 148E.145, ~~\$200~~ \$200;

693.11 (4) for a provider who offers programs totaling 33 to 48 clock hours in a one-year period  
693.12 according to section 148E.145, ~~\$400~~ \$400; and

365.21 The fee for criminal background checks is the fee charged by the Bureau of Criminal  
365.22 Apprehension. The criminal background check fee must be included with the application  
365.23 fee as required according to section 148E.055.

365.24 Subd. 2. **License fees.** Nonrefundable license fees are as follows may not exceed the  
365.25 following amounts but may be adjusted lower by board action:

365.26 (1) for a licensed social worker, ~~\$81~~ \$97;

365.27 (2) for a licensed graduate social worker, ~~\$144~~ \$172;

365.28 (3) for a licensed independent social worker, ~~\$216~~ \$258;

366.1 (4) for a licensed independent clinical social worker, ~~\$238.50~~ \$284;

366.2 (5) for an emeritus inactive license, ~~\$43.20~~ \$51;

366.3 (6) for an emeritus active license, one-half of the renewal fee specified in subdivision  
366.4 3; and

366.5 (7) for a temporary leave fee, the same as the renewal fee specified in subdivision 3.

366.6 If the licensee's initial license term is less or more than 24 months, the required license  
366.7 fees must be prorated proportionately.

366.8 Subd. 3. **Renewal fees.** Nonrefundable renewal fees for licensure are as follows the  
366.9 two-year renewal term may not exceed the following amounts but may be adjusted lower  
366.10 by board action:

366.11 (1) for a licensed social worker, ~~\$81~~ \$97;

366.12 (2) for a licensed graduate social worker, ~~\$144~~ \$172;

366.13 (3) for a licensed independent social worker, ~~\$216~~ \$258; and

366.14 (4) for a licensed independent clinical social worker, ~~\$238.50~~ \$284.

366.15 Subd. 4. **Continuing education provider fees.** Continuing education provider fees are  
366.16 as follows the following nonrefundable amounts:

366.17 (1) for a provider who offers programs totaling one to eight clock hours in a one-year  
366.18 period according to section 148E.145, ~~\$50~~ \$60;

366.19 (2) for a provider who offers programs totaling nine to 16 clock hours in a one-year  
366.20 period according to section 148E.145, ~~\$100~~ \$120;

366.21 (3) for a provider who offers programs totaling 17 to 32 clock hours in a one-year period  
366.22 according to section 148E.145, ~~\$200~~ \$240;

366.23 (4) for a provider who offers programs totaling 33 to 48 clock hours in a one-year period  
366.24 according to section 148E.145, ~~\$400~~ \$480; and

693.13 (5) for a provider who offers programs totaling 49 or more clock hours in a one-year  
693.14 period according to section 148E.145, ~~\$600~~.

693.15 Subd. 5. **Late fees.** Late fees are ~~as follows~~ the following nonrefundable amounts:

693.16 (1) renewal late fee, one-fourth of the renewal fee specified in subdivision 3;

693.17 (2) supervision plan late fee, \$40; and

693.18 (3) license late fee, \$100 plus the prorated share of the license fee specified in subdivision  
693.19 2 for the number of months during which the individual practiced social work without a  
693.20 license.

693.21 Subd. 6. **License cards and wall certificates.** (a) The nonrefundable fee for a license  
693.22 card as specified in section 148E.095 is \$10.

693.23 (b) The nonrefundable fee for a license wall certificate as specified in section 148E.095  
693.24 is \$30.

693.25 Subd. 7. **Reactivation fees.** Reactivation fees are ~~as follows~~ the following nonrefundable  
693.26 amounts:

693.27 (1) reactivation from a temporary leave or emeritus status, the prorated share of the  
693.28 renewal fee specified in subdivision 3; and

693.29 (2) reactivation of an expired license, 1-1/2 times the renewal fees specified in subdivision  
693.30 3.

366.25 (5) for a provider who offers programs totaling 49 or more clock hours in a one-year  
366.26 period according to section 148E.145, ~~\$600~~ \$720.

366.27 Subd. 5. **Late fees.** Late fees are ~~as follows~~ the following nonrefundable amounts:

366.28 (1) renewal late fee, one-fourth of the renewal fee specified in subdivision 3;

366.29 (2) supervision plan late fee, \$40; and

367.1 (3) license late fee, \$100 plus the prorated share of the license fee specified in subdivision  
367.2 2 for the number of months during which the individual practiced social work without a  
367.3 license.

367.4 Subd. 6. **License cards and wall certificates.** (a) The fee for a license card as specified  
367.5 in section 148E.095 is \$10.

367.6 (b) The fee for a license wall certificate as specified in section 148E.095 is \$30.

367.7 Subd. 7. **Reactivation fees.** Reactivation fees are ~~as follows~~ the following nonrefundable  
367.8 amounts:

367.9 (1) reactivation from a temporary leave or emeritus status, the prorated share of the  
367.10 renewal fee specified in subdivision 3; and

367.11 (2) reactivation of an expired license, 1-1/2 times the renewal fees specified in subdivision  
367.12 3.

367.13 Sec. 5. Minnesota Statutes 2018, section 150A.06, subdivision 3, is amended to read:

367.14 Subd. 3. **Waiver of examination.** (a) All or any part of the examination for dentists,  
367.15 dental therapists, dental hygienists, or dental assistants, except that pertaining to the law of  
367.16 Minnesota relating to dentistry and the rules of the board, may, at the discretion of the board,  
367.17 be waived for an applicant who presents a certificate of having passed all components of  
367.18 the National Board Dental Examinations or evidence of having maintained an adequate  
367.19 scholastic standing as determined by the board.

367.20 (b) The board shall waive the clinical examination required for licensure for any dentist  
367.21 applicant who is a graduate of a dental school accredited by the Commission on Dental  
367.22 Accreditation, who has passed all components of the National Board Dental Examinations,  
367.23 and who has satisfactorily completed a Minnesota-based postdoctoral general dentistry  
367.24 residency program (GPR) or an advanced education in general dentistry (AEGD) program  
367.25 after January 1, 2004. The postdoctoral program must be accredited by the Commission on  
367.26 Dental Accreditation, be of at least one year's duration, and include an outcome assessment  
367.27 evaluation assessing the resident's competence to practice dentistry. The board may require  
367.28 the applicant to submit any information deemed necessary by the board to determine whether  
367.29 the waiver is applicable.

694.1 Sec. 17. Minnesota Statutes 2018, section 150A.06, is amended by adding a subdivision  
694.2 to read:

694.3 Subd. 10. **Emeritus inactive license.** A person licensed to practice dentistry, dental  
694.4 therapy, dental hygiene, or dental assisting pursuant to section 150A.05 or Minnesota Rules,  
694.5 part 3100.8500, who retires from active practice in the state may apply to the board for  
694.6 emeritus inactive licensure. An application for emeritus inactive licensure may be made on  
694.7 the biennial licensing form or by petitioning the board, and the applicant must pay a onetime  
694.8 application fee pursuant to section 150A.091, subdivision 19. In order to receive emeritus  
694.9 inactive licensure, the applicant must be in compliance with board requirements and cannot  
694.10 be the subject of current disciplinary action resulting in suspension, revocation,  
694.11 disqualification, condition, or restriction of the licensee to practice dentistry, dental therapy,  
694.12 dental hygiene, or dental assisting. An emeritus inactive license is not a license to practice,  
694.13 but is a formal recognition of completion of a person's dental career in good standing.

694.14 **EFFECTIVE DATE.** This section is effective July 1, 2019.

694.15 Sec. 18. Minnesota Statutes 2018, section 150A.06, is amended by adding a subdivision  
694.16 to read:

694.17 Subd. 11. **Emeritus active licensure.** (a) A person licensed to practice dentistry, dental  
694.18 therapy, dental hygiene, or dental assisting may apply for an emeritus active license if the  
694.19 person is retired from active practice, is in compliance with board requirements, and is not  
694.20 the subject of current disciplinary action resulting in suspension, revocation, disqualification,  
694.21 condition, or restriction of the license to practice dentistry, dental therapy, dental hygiene,  
694.22 or dental assisting.

694.23 (b) An emeritus active licensee may engage only in the following types of practice:

694.24 (1) pro bono or volunteer dental practice;

694.25 (2) paid practice not to exceed 500 hours per calendar year for the exclusive purpose of  
694.26 providing licensing supervision to meet the board's requirements; or

694.27 (3) paid consulting services not to exceed 500 hours per calendar year.

694.28 (c) An emeritus active licensee shall not hold out as a full licensee and may only hold  
694.29 out as authorized to practice as described in this subdivision. The board may take disciplinary  
694.30 or corrective action against an emeritus active licensee based on violations of applicable  
694.31 law or board requirements.

695.1 (d) A person may apply for an emeritus active license by completing an application form  
695.2 specified by the board and must pay the application fee pursuant to section 150A.091,  
695.3 subdivision 20.

368.1 Sec. 6. Minnesota Statutes 2018, section 150A.06, is amended by adding a subdivision to  
368.2 read:

368.3 Subd. 10. **Emeritus inactive license.** A person licensed to practice dentistry, dental  
368.4 therapy, dental hygiene, or dental assisting pursuant to section 150A.05 or Minnesota Rules,  
368.5 part 3100.8500, who retires from active practice in the state may apply to the board for  
368.6 emeritus inactive licensure. An application for emeritus inactive licensure may be made on  
368.7 the biennial licensing form or by petitioning the board, and the applicant must pay a onetime  
368.8 application fee pursuant to section 150A.091, subdivision 19. In order to receive emeritus  
368.9 inactive licensure, the applicant must be in compliance with board requirements and cannot  
368.10 be the subject of current disciplinary action resulting in suspension, revocation,  
368.11 disqualification, condition, or restriction of the licensee to practice dentistry, dental therapy,  
368.12 dental hygiene, or dental assisting. An emeritus inactive license is not a license to practice,  
368.13 but is a formal recognition of completion of a person's dental career in good standing.

368.14 Sec. 7. Minnesota Statutes 2018, section 150A.06, is amended by adding a subdivision to  
368.15 read:

368.16 Subd. 11. **Emeritus active licensure.** (a) A person licensed to practice dentistry, dental  
368.17 therapy, dental hygiene, or dental assisting may apply for an emeritus active license if the  
368.18 person is retired from active practice, is in compliance with board requirements, and is not  
368.19 the subject of current disciplinary action resulting in suspension, revocation, disqualification,  
368.20 condition, or restriction of the license to practice dentistry, dental therapy, dental hygiene,  
368.21 or dental assisting.

368.22 (b) An emeritus active licensee may engage only in the following types of practice:

368.23 (1) pro bono or volunteer dental practice;

368.24 (2) paid practice not to exceed 500 hours per calendar year for the exclusive purpose of  
368.25 providing licensing supervision to meet the board's requirements; or

368.26 (3) paid consulting services not to exceed 500 hours per calendar year.

368.27 (c) An emeritus active licensee shall not hold out as a full licensee and may only hold  
368.28 out as authorized to practice as described in this subdivision. The board may take disciplinary  
368.29 or corrective action against an emeritus active licensee based on violations of applicable  
368.30 law or board requirements.

368.31 (d) A person may apply for an emeritus active license by completing an application form  
368.32 specified by the board and must pay the application fee pursuant to section 150A.091,  
368.33 subdivision 20.

695.4 (e) If an emeritus active license is not renewed every two years, the license expires. The  
695.5 renewal date is the same as the licensee's renewal date when the licensee was in active  
695.6 practice. In order to renew an emeritus active license, the licensee must:

695.7 (1) complete an application form as specified by the board;

695.8 (2) pay the required renewal fee pursuant to section 150A.091, subdivision 20; and

695.9 (3) report at least 25 continuing education hours completed since the last renewal, which  
695.10 must include:

695.11 (i) at least one hour in two different required CORE areas;

695.12 (ii) at least one hour of mandatory infection control;

695.13 (iii) for dentists and dental therapists, at least 15 hours of fundamental credits for dentists  
695.14 and dental therapists, and for dental hygienists and dental assistants, at least seven hours of  
695.15 fundamental credits; and

695.16 (iv) for dentists and dental therapists, no more than ten elective credits, and for dental  
695.17 hygienists and dental assistants, no more than six elective credits.

695.18 **EFFECTIVE DATE.** This section is effective July 1, 2019.

695.19 Sec. 19. Minnesota Statutes 2018, section 150A.091, is amended by adding a subdivision  
695.20 to read:

695.21 Subd. 19. **Emeritus inactive license.** An individual applying for emeritus inactive  
695.22 licensure under section 150A.06, subdivision 10, must pay a onetime fee of \$50. There is  
695.23 no renewal fee for an emeritus inactive license.

695.24 **EFFECTIVE DATE.** This section is effective July 1, 2019.

695.25 Sec. 20. Minnesota Statutes 2018, section 150A.091, is amended by adding a subdivision  
695.26 to read:

695.27 Subd. 20. **Emeritus active license.** An individual applying for emeritus active licensure  
695.28 under section 150A.06, subdivision 11, must pay a fee upon application and upon renewal  
695.29 every two years. The fees for emeritus active license application and renewal are as follows:  
695.30 dentist, \$212; dental therapist, \$100; dental hygienist, \$75; and dental assistant, \$55.

696.1 **EFFECTIVE DATE.** This section is effective July 1, 2019.

696.2 Sec. 21. Minnesota Statutes 2018, section 151.01, subdivision 31, is amended to read:

696.3 Subd. 31. **Central service pharmacy.** "Central service pharmacy" means a pharmacy  
696.4 that ~~may provide~~ performs those activities involved in the dispensing functions of a drug

369.1 (e) If an emeritus active license is not renewed every two years, the license expires. The  
369.2 renewal date is the same as the licensee's renewal date when the licensee was in active  
369.3 practice. In order to renew an emeritus active license, the licensee must:

369.4 (1) complete an application form as specified by the board;

369.5 (2) pay the required renewal fee pursuant to section 150A.091, subdivision 20; and

369.6 (3) report at least 25 continuing education hours completed since the last renewal, which  
369.7 must include:

369.8 (i) at least one hour in two different required CORE areas;

369.9 (ii) at least one hour of mandatory infection control;

369.10 (iii) for dentists and dental therapists, at least 15 hours of fundamental credits for dentists  
369.11 and dental therapists, and for dental hygienists and dental assistants, at least seven hours of  
369.12 fundamental credits; and

369.13 (iv) for dentists and dental therapists, no more than ten elective credits, and for dental  
369.14 hygienists and dental assistants, no more than six elective credits.

369.15 Sec. 8. Minnesota Statutes 2018, section 150A.091, is amended by adding a subdivision  
369.16 to read:

369.17 Subd. 19. **Emeritus inactive license.** An individual applying for emeritus inactive  
369.18 licensure under section 150A.06, subdivision 10, must pay a onetime fee of \$50. There is  
369.19 no renewal fee for an emeritus inactive license.

369.20 Sec. 9. Minnesota Statutes 2018, section 150A.091, is amended by adding a subdivision  
369.21 to read:

369.22 Subd. 20. **Emeritus active license.** An individual applying for emeritus active licensure  
369.23 under section 150A.06, subdivision 11, must pay a fee upon application and upon renewal  
369.24 every two years. The fees for emeritus active license application and renewal are as follows:  
369.25 dentist, \$212; dental therapist, \$100; dental hygienist, \$75; and dental assistant, \$55.

FOR SECTIONS 10 TO 14, SEE ARTICLE 10 SIDE BY SIDE

696.5 ~~utilization review, packaging, labeling, or delivery of a prescription product to for another~~  
696.6 ~~pharmacy for the purpose of filling a prescription, pursuant to the requirements of this~~  
696.7 ~~chapter and the rules of the board.~~

696.8 Sec. 22. Minnesota Statutes 2018, section 151.01, subdivision 35, is amended to read:

696.9 Subd. 35. **Compounding.** "Compounding" means preparing, mixing, assembling,  
696.10 packaging, and labeling a drug for an identified individual patient as a result of a practitioner's  
696.11 prescription drug order. Compounding also includes anticipatory compounding, as defined  
696.12 in this section, and the preparation of drugs in which all bulk drug substances and components  
696.13 are nonprescription substances. Compounding does not include mixing or reconstituting a  
696.14 drug according to the product's labeling or to the manufacturer's directions, provided that  
696.15 such labeling has been approved by the United States Food and Drug Administration (FDA)  
696.16 or the manufacturer is licensed under section 151.252. Compounding does not include the  
696.17 preparation of a drug for the purpose of, or incident to, research, teaching, or chemical  
696.18 analysis, provided that the drug is not prepared for dispensing or administration to patients.  
696.19 All compounding, regardless of the type of product, must be done pursuant to a prescription  
696.20 drug order unless otherwise permitted in this chapter or by the rules of the board.  
696.21 Compounding does not include a minor deviation from such directions with regard to  
696.22 radioactivity, volume, or stability, which is made by or under the supervision of a licensed  
696.23 nuclear pharmacist or a physician, and which is necessary in order to accommodate  
696.24 circumstances not contemplated in the manufacturer's instructions, such as the rate of  
696.25 radioactive decay or geographical distance from the patient.

696.26 Sec. 23. Minnesota Statutes 2018, section 151.01, is amended by adding a subdivision to  
696.27 read:

696.28 Subd. 42. **Syringe services provider.** "Syringe services provider" means a public health  
696.29 program, registered with the commissioner of health, that provides cost-free comprehensive  
696.30 harm reduction services, including: sterile needles, syringes, and other injection equipment;  
696.31 safe disposal containers for needles and syringes; education about overdose prevention;  
696.32 safer injection practices, and infectious disease prevention; referral to or provision of blood  
697.1 borne pathogen testing; referral to substance use disorder treatment, including  
697.2 medication-assisted treatment; and referral to medical, mental health, and social services.

697.3 Sec. 24. Minnesota Statutes 2018, section 151.065, subdivision 1, is amended to read:

697.4 Subdivision 1. **Application fees.** Application fees for licensure and registration are as  
697.5 follows:

697.6 (1) pharmacist licensed by examination, ~~\$145~~ \$175;

697.7 (2) pharmacist licensed by reciprocity, ~~\$240~~ \$275;

697.8 (3) pharmacy intern, ~~\$37.50~~ \$50;

697.9 (4) pharmacy technician, ~~\$37.50~~ \$50;

- 697.10 (5) pharmacy, ~~\$225~~ \$260;
- 697.11 (6) drug wholesaler, legend drugs only, ~~\$235~~ \$260;
- 697.12 (7) drug wholesaler, legend and nonlegend drugs, ~~\$235~~ \$260;
- 697.13 (8) drug wholesaler, nonlegend drugs, veterinary legend drugs, or both, ~~\$210~~ \$260;
- 697.14 (9) drug wholesaler, medical gases, ~~\$175~~ \$260;
- 697.15 (10) ~~drug wholesaler, also licensed as a pharmacy in Minnesota,~~ \$150 third-party logistics
- 697.16 provider, \$260;
- 697.17 (11) drug manufacturer, legend drugs only, ~~\$235~~ \$260;
- 697.18 (12) drug manufacturer, legend and nonlegend drugs, ~~\$235~~ \$260;
- 697.19 (13) drug manufacturer, nonlegend or veterinary legend drugs, ~~\$210~~ \$260;
- 697.20 (14) drug manufacturer, medical gases, ~~\$185~~ \$260;
- 697.21 (15) drug manufacturer, also licensed as a pharmacy in Minnesota, ~~\$150~~ \$260;
- 697.22 (16) medical gas distributor, ~~\$110~~ \$260; and
- 697.23 ~~(17) controlled substance researcher, \$75; and~~
- 697.24 ~~(18)~~ (17) pharmacy professional corporation, ~~\$125~~ \$150.
- 697.25 Sec. 25. Minnesota Statutes 2018, section 151.065, subdivision 2, is amended to read:
- 697.26 Subd. 2. **Original license fee.** The pharmacist original licensure fee, ~~\$145~~ \$175.
- 698.1 Sec. 26. Minnesota Statutes 2018, section 151.065, subdivision 3, is amended to read:
- 698.2 Subd. 3. **Annual renewal fees.** Annual licensure and registration renewal fees are as
- 698.3 follows:
- 698.4 (1) pharmacist, ~~\$145~~ \$175;
- 698.5 (2) pharmacy technician, ~~\$37.50~~ \$50;
- 698.6 (3) pharmacy, ~~\$225~~ \$260;
- 698.7 (4) drug wholesaler, legend drugs only, ~~\$235~~ \$260;
- 698.8 (5) drug wholesaler, legend and nonlegend drugs, ~~\$235~~ \$260;
- 698.9 (6) drug wholesaler, nonlegend drugs, veterinary legend drugs, or both, ~~\$210~~ \$260;
- 698.10 (7) drug wholesaler, medical gases, ~~\$185~~ \$260;
- 698.11 (8) ~~drug wholesaler, also licensed as a pharmacy in Minnesota,~~ \$150 third-party logistics
- 698.12 provider, \$260;

- 698.13 (9) drug manufacturer, legend drugs only, ~~\$235~~ \$260;
- 698.14 (10) drug manufacturer, legend and nonlegend drugs, ~~\$235~~ \$260;
- 698.15 (11) drug manufacturer, nonlegend, veterinary legend drugs, or both, ~~\$210~~ \$260;
- 698.16 (12) drug manufacturer, medical gases, ~~\$185~~ \$260;
- 698.17 (13) drug manufacturer, also licensed as a pharmacy in Minnesota, ~~\$150~~ \$260;
- 698.18 (14) medical gas distributor, ~~\$110~~ \$260; and
- 698.19 ~~(15) controlled substance researcher, \$75; and~~
- 698.20 ~~(16) (15) pharmacy professional corporation, \$75~~ \$100.
- 698.21 Sec. 27. Minnesota Statutes 2018, section 151.065, subdivision 6, is amended to read:
- 698.22 Subd. 6. **Reinstatement fees.** (a) A pharmacist who has allowed the pharmacist's license
- 698.23 to lapse may reinstate the license with board approval and upon payment of any fees and
- 698.24 late fees in arrears, up to a maximum of \$1,000.
- 698.25 (b) A pharmacy technician who has allowed the technician's registration to lapse may
- 698.26 reinstate the registration with board approval and upon payment of any fees and late fees
- 698.27 in arrears, up to a maximum of \$90.
- 698.28 (c) An owner of a pharmacy, a drug wholesaler, a drug manufacturer, ~~third-party logistics~~
- 698.29 ~~provider~~, or a medical gas distributor who has allowed the license of the establishment to
- 699.1 lapse may reinstate the license with board approval and upon payment of any fees and late
- 699.2 fees in arrears.
- 699.3 (d) A controlled substance ~~researcher registrant~~ who has allowed ~~the researcher's a~~
- 699.4 ~~registration issued pursuant to subdivision 4~~ to lapse may reinstate the registration with
- 699.5 board approval and upon payment of any fees and late fees in arrears.
- 699.6 (e) A pharmacist owner of a professional corporation who has allowed the corporation's
- 699.7 registration to lapse may reinstate the registration with board approval and upon payment
- 699.8 of any fees and late fees in arrears.
- 699.9 Sec. 28. Minnesota Statutes 2018, section 151.071, subdivision 2, is amended to read:
- 699.10 Subd. 2. **Grounds for disciplinary action.** The following conduct is prohibited and is
- 699.11 grounds for disciplinary action:
- 699.12 (1) failure to demonstrate the qualifications or satisfy the requirements for a license or
- 699.13 registration contained in this chapter or the rules of the board. The burden of proof is on
- 699.14 the applicant to demonstrate such qualifications or satisfaction of such requirements;
- 699.15 (2) obtaining a license by fraud or by misleading the board in any way during the
- 699.16 application process or obtaining a license by cheating, or attempting to subvert the licensing
- 699.17 examination process. Conduct that subverts or attempts to subvert the licensing examination



699.18 process includes, but is not limited to: (i) conduct that violates the security of the examination  
699.19 materials, such as removing examination materials from the examination room or having  
699.20 unauthorized possession of any portion of a future, current, or previously administered  
699.21 licensing examination; (ii) conduct that violates the standard of test administration, such as  
699.22 communicating with another examinee during administration of the examination, copying  
699.23 another examinee's answers, permitting another examinee to copy one's answers, or  
699.24 possessing unauthorized materials; or (iii) impersonating an examinee or permitting an  
699.25 impersonator to take the examination on one's own behalf;

699.26 (3) for a pharmacist, pharmacy technician, pharmacist intern, applicant for a pharmacist  
699.27 or pharmacy license, or applicant for a pharmacy technician or pharmacist intern registration,  
699.28 conviction of a felony reasonably related to the practice of pharmacy. Conviction as used  
699.29 in this subdivision includes a conviction of an offense that if committed in this state would  
699.30 be deemed a felony without regard to its designation elsewhere, or a criminal proceeding  
699.31 where a finding or verdict of guilt is made or returned but the adjudication of guilt is either  
699.32 withheld or not entered thereon. The board may delay the issuance of a new license or  
700.1 registration if the applicant has been charged with a felony until the matter has been  
700.2 adjudicated;

700.3 (4) for a facility, other than a pharmacy, licensed or registered by the board, if an owner  
700.4 or applicant is convicted of a felony reasonably related to the operation of the facility. The  
700.5 board may delay the issuance of a new license or registration if the owner or applicant has  
700.6 been charged with a felony until the matter has been adjudicated;

700.7 (5) for a controlled substance researcher, conviction of a felony reasonably related to  
700.8 controlled substances or to the practice of the researcher's profession. The board may delay  
700.9 the issuance of a registration if the applicant has been charged with a felony until the matter  
700.10 has been adjudicated;

700.11 (6) disciplinary action taken by another state or by one of this state's health licensing  
700.12 agencies;

700.13 (i) revocation, suspension, restriction, limitation, or other disciplinary action against a  
700.14 license or registration in another state or jurisdiction, failure to report to the board that  
700.15 charges or allegations regarding the person's license or registration have been brought in  
700.16 another state or jurisdiction, or having been refused a license or registration by any other  
700.17 state or jurisdiction. The board may delay the issuance of a new license or registration if an  
700.18 investigation or disciplinary action is pending in another state or jurisdiction until the  
700.19 investigation or action has been dismissed or otherwise resolved; and

700.20 (ii) revocation, suspension, restriction, limitation, or other disciplinary action against a  
700.21 license or registration issued by another of this state's health licensing agencies, failure to  
700.22 report to the board that charges regarding the person's license or registration have been  
700.23 brought by another of this state's health licensing agencies, or having been refused a license  
700.24 or registration by another of this state's health licensing agencies. The board may delay the  
700.25 issuance of a new license or registration if a disciplinary action is pending before another

700.26 of this state's health licensing agencies until the action has been dismissed or otherwise  
700.27 resolved;

700.28 (7) for a pharmacist, pharmacy, pharmacy technician, or pharmacist intern, violation of  
700.29 any order of the board, of any of the provisions of this chapter or any rules of the board or  
700.30 violation of any federal, state, or local law or rule reasonably pertaining to the practice of  
700.31 pharmacy;

700.32 (8) for a facility, other than a pharmacy, licensed by the board, violations of any order  
700.33 of the board, of any of the provisions of this chapter or the rules of the board or violation  
700.34 of any federal, state, or local law relating to the operation of the facility;

701.1 (9) engaging in any unethical conduct; conduct likely to deceive, defraud, or harm the  
701.2 public, or demonstrating a willful or careless disregard for the health, welfare, or safety of  
701.3 a patient; or pharmacy practice that is professionally incompetent, in that it may create  
701.4 unnecessary danger to any patient's life, health, or safety, in any of which cases, proof of  
701.5 actual injury need not be established;

701.6 (10) aiding or abetting an unlicensed person in the practice of pharmacy, except that it  
701.7 is not a violation of this clause for a pharmacist to supervise a properly registered pharmacy  
701.8 technician or pharmacist intern if that person is performing duties allowed by this chapter  
701.9 or the rules of the board;

701.10 (11) for an individual licensed or registered by the board, adjudication as mentally ill  
701.11 or developmentally disabled, or as a chemically dependent person, a person dangerous to  
701.12 the public, a sexually dangerous person, or a person who has a sexual psychopathic  
701.13 personality, by a court of competent jurisdiction, within or without this state. Such  
701.14 adjudication shall automatically suspend a license for the duration thereof unless the board  
701.15 orders otherwise;

701.16 (12) for a pharmacist or pharmacy intern, engaging in unprofessional conduct as specified  
701.17 in the board's rules. In the case of a pharmacy technician, engaging in conduct specified in  
701.18 board rules that would be unprofessional if it were engaged in by a pharmacist or pharmacist  
701.19 intern or performing duties specifically reserved for pharmacists under this chapter or the  
701.20 rules of the board;

701.21 (13) for a pharmacy, operation of the pharmacy without a pharmacist present and on  
701.22 duty except as allowed by a variance approved by the board;

701.23 (14) for a pharmacist, the inability to practice pharmacy with reasonable skill and safety  
701.24 to patients by reason of illness, ~~drunkenness~~, use of alcohol, drugs, narcotics, chemicals, or  
701.25 any other type of material or as a result of any mental or physical condition, including  
701.26 deterioration through the aging process or loss of motor skills. In the case of registered  
701.27 pharmacy technicians, pharmacist interns, or controlled substance researchers, the inability  
701.28 to carry out duties allowed under this chapter or the rules of the board with reasonable skill  
701.29 and safety to patients by reason of illness, ~~drunkenness~~, use of alcohol, drugs, narcotics,

- 701.30 chemicals, or any other type of material or as a result of any mental or physical condition,  
701.31 including deterioration through the aging process or loss of motor skills;
- 701.32 (15) for a pharmacist, pharmacy, pharmacist intern, pharmacy technician, medical gas  
701.33 distributor, or controlled substance researcher, revealing a privileged communication from  
701.34 or relating to a patient except when otherwise required or permitted by law;
- 702.1 (16) for a pharmacist or pharmacy, improper management of patient records, including  
702.2 failure to maintain adequate patient records, to comply with a patient's request made pursuant  
702.3 to sections 144.291 to 144.298, or to furnish a patient record or report required by law;
- 702.4 (17) fee splitting, including without limitation:
- 702.5 (i) paying, offering to pay, receiving, or agreeing to receive, a commission, rebate,  
702.6 kickback, or other form of remuneration, directly or indirectly, for the referral of patients;  
702.7 ~~and~~
- 702.8 (ii) referring a patient to any health care provider as defined in sections 144.291 to  
702.9 144.298 in which the licensee or registrant has a financial or economic interest as defined  
702.10 in section 144.6521, subdivision 3, unless the licensee or registrant has disclosed the  
702.11 licensee's or registrant's financial or economic interest in accordance with section 144.6521;  
702.12 ~~and~~
- 702.13 (iii) any arrangement through which a pharmacy, in which the prescribing practitioner  
702.14 does not have a significant ownership interest, fills a prescription drug order and the  
702.15 prescribing practitioner is involved in any manner, directly or indirectly, in setting the price  
702.16 for the filled prescription that is charged to the patient, the patient's insurer or pharmacy  
702.17 benefit manager, or other person paying for the prescription or, in the case of veterinary  
702.18 patients, the price for the filled prescription that is charged to the client or other person  
702.19 paying for the prescription, except that a veterinarian and a pharmacy may enter into such  
702.20 an arrangement provided that the client or other person paying for the prescription is notified,  
702.21 in writing and with each prescription dispensed, about the arrangement, unless such  
702.22 arrangement involves pharmacy services provided for livestock, poultry, and agricultural  
702.23 production systems, in which case client notification would not be required;
- 702.24 (18) engaging in abusive or fraudulent billing practices, including violations of the  
702.25 federal Medicare and Medicaid laws or state medical assistance laws or rules;
- 702.26 (19) engaging in conduct with a patient that is sexual or may reasonably be interpreted  
702.27 by the patient as sexual, or in any verbal behavior that is seductive or sexually demeaning  
702.28 to a patient;
- 702.29 (20) failure to make reports as required by section 151.072 or to cooperate with an  
702.30 investigation of the board as required by section 151.074;
- 702.31 (21) knowingly providing false or misleading information that is directly related to the  
702.32 care of a patient unless done for an accepted therapeutic purpose such as the dispensing and  
702.33 administration of a placebo;

- 703.1 (22) aiding suicide or aiding attempted suicide in violation of section 609.215 as  
703.2 established by any of the following:
- 703.3 (i) a copy of the record of criminal conviction or plea of guilty for a felony in violation  
703.4 of section 609.215, subdivision 1 or 2;
- 703.5 (ii) a copy of the record of a judgment of contempt of court for violating an injunction  
703.6 issued under section 609.215, subdivision 4;
- 703.7 (iii) a copy of the record of a judgment assessing damages under section 609.215,  
703.8 subdivision 5; or
- 703.9 (iv) a finding by the board that the person violated section 609.215, subdivision 1 or 2.  
703.10 The board shall investigate any complaint of a violation of section 609.215, subdivision 1  
703.11 or 2;
- 703.12 (23) for a pharmacist, practice of pharmacy under a lapsed or nonrenewed license. For  
703.13 a pharmacist intern, pharmacy technician, or controlled substance researcher, performing  
703.14 duties permitted to such individuals by this chapter or the rules of the board under a lapsed  
703.15 or nonrenewed registration. For a facility required to be licensed under this chapter, operation  
703.16 of the facility under a lapsed or nonrenewed license or registration; and
- 703.17 (24) for a pharmacist, pharmacist intern, or pharmacy technician, termination or discharge  
703.18 from the health professionals services program for reasons other than the satisfactory  
703.19 completion of the program.
- 703.20 Sec. 29. Minnesota Statutes 2018, section 151.15, subdivision 1, is amended to read:
- 703.21 Subdivision 1. **Location.** It shall be unlawful for any person to compound; or dispense;  
703.22 ~~vend, or sell~~ drugs, medicines, chemicals, or poisons in any place other than a pharmacy,  
703.23 except as provided in this chapter; except that a licensed pharmacist or pharmacist intern  
703.24 working within a licensed hospital may receive a prescription drug order and access the  
703.25 hospital's pharmacy prescription processing system through secure and encrypted electronic  
703.26 means in order to process the prescription drug order.
- 703.27 Sec. 30. Minnesota Statutes 2018, section 151.15, is amended by adding a subdivision to  
703.28 read:
- 703.29 Subd. 5. **Receipt of emergency prescription orders.** A pharmacist, when that pharmacist  
703.30 is not present within a licensed pharmacy, may accept a written, verbal, or electronic  
703.31 prescription drug order from a practitioner only if:
- 704.1 (1) the prescription drug order is for an emergency situation where waiting for the  
704.2 pharmacist to travel to a licensed pharmacy to accept the prescription drug order would  
704.3 likely cause the patient to experience significant physical harm or discomfort;

704.4 (2) the pharmacy from which the prescription drug order will be dispensed is closed for  
704.5 business;

704.6 (3) the pharmacist has been designated to be on call for the licensed pharmacy that will  
704.7 fill the prescription drug order;

704.8 (4) electronic prescription drug orders are received through secure and encrypted  
704.9 electronic means;

704.10 (5) the pharmacist takes reasonable precautions to ensure that the prescription drug order  
704.11 will be handled in a manner consistent with federal and state statutes regarding the handling  
704.12 of protected health information; and

704.13 (6) the pharmacy from which the prescription drug order will be dispensed has relevant  
704.14 and appropriate policies and procedures in place and makes them available to the board  
704.15 upon request.

704.16 Sec. 31. Minnesota Statutes 2018, section 151.15, is amended by adding a subdivision to  
704.17 read:

704.18 Subd. 6. **Processing of emergency prescription orders.** A pharmacist, when that  
704.19 pharmacist is not present within a licensed pharmacy, may access a pharmacy prescription  
704.20 processing system through secure and encrypted electronic means in order to process an  
704.21 emergency prescription accepted pursuant to subdivision 5 only if:

704.22 (1) the pharmacy from which the prescription drug order will be dispensed is closed for  
704.23 business;

704.24 (2) the pharmacist has been designated to be on call for the licensed pharmacy that will  
704.25 fill the prescription drug order;

704.26 (3) the prescription drug order is for a patient of a long-term care facility or a county  
704.27 correctional facility;

704.28 (4) the prescription drug order is not being processed pursuant to section 151.58;

704.29 (5) the prescription drug order is processed pursuant to this chapter and the rules  
704.30 promulgated thereunder; and

705.1 (6) the pharmacy from which the prescription drug order will be dispensed has relevant  
705.2 and appropriate policies and procedures in place and makes them available to the board  
705.3 upon request.

705.4 Sec. 32. Minnesota Statutes 2018, section 151.19, subdivision 1, is amended to read:

705.5 Subdivision 1. **Pharmacy licensure requirements.** (a) No person shall operate a  
705.6 pharmacy without first obtaining a license from the board and paying any applicable fee  
705.7 specified in section 151.065. The license shall be displayed in a conspicuous place in the  
705.8 pharmacy for which it is issued and expires on June 30 following the date of issue. It is

705.9 unlawful for any person to operate a pharmacy unless the license has been issued to the  
705.10 person by the board.

705.11 (b) Application for a pharmacy license under this section shall be made in a manner  
705.12 specified by the board.

705.13 (c) No license shall be issued or renewed for a pharmacy located within the state unless  
705.14 the applicant agrees to operate the pharmacy in a manner prescribed by federal and state  
705.15 law and according to rules adopted by the board. No license shall be issued for a pharmacy  
705.16 located outside of the state unless the applicant agrees to operate the pharmacy in a manner  
705.17 prescribed by federal law and, when dispensing medications for residents of this state, the  
705.18 laws of this state, and Minnesota Rules.

705.19 (d) No license shall be issued or renewed for a pharmacy that is required to be licensed  
705.20 or registered by the state in which it is physically located unless the applicant supplies the  
705.21 board with proof of such licensure or registration.

705.22 (e) The board shall require a separate license for each pharmacy located within the state  
705.23 and for each pharmacy located outside of the state at which any portion of the dispensing  
705.24 process occurs for drugs dispensed to residents of this state.

705.25 (f) ~~The board shall not issue~~ Prior to the issuance of an initial or renewed license for a  
705.26 pharmacy ~~unless, the board may require the pharmacy passes to pass an inspection conducted~~  
705.27 by an authorized representative of the board. In the case of a pharmacy located outside of  
705.28 the state, the board may require the applicant to pay the cost of the inspection, in addition  
705.29 to the license fee in section 151.065, unless the applicant furnishes the board with a report,  
705.30 issued by the appropriate regulatory agency of the state in which the facility is located, of  
705.31 an inspection that has occurred within the 24 months immediately preceding receipt of the  
705.32 license application by the board. The board may deny licensure unless the applicant submits  
706.1 documentation satisfactory to the board that any deficiencies noted in an inspection report  
706.2 have been corrected.

706.3 (g) The board shall not issue an initial or renewed license for a pharmacy located outside  
706.4 of the state unless the applicant discloses and certifies:

706.5 (1) the location, names, and titles of all principal corporate officers and all pharmacists  
706.6 who are involved in dispensing drugs to residents of this state;

706.7 (2) that it maintains its records of drugs dispensed to residents of this state so that the  
706.8 records are readily retrievable from the records of other drugs dispensed;

706.9 (3) that it agrees to cooperate with, and provide information to, the board concerning  
706.10 matters related to dispensing drugs to residents of this state;

706.11 (4) that, during its regular hours of operation, but no less than six days per week, for a  
706.12 minimum of 40 hours per week, a toll-free telephone service is provided to facilitate  
706.13 communication between patients in this state and a pharmacist at the pharmacy who has

706.14 access to the patients' records; the toll-free number must be disclosed on the label affixed  
706.15 to each container of drugs dispensed to residents of this state; and

706.16 (5) that, upon request of a resident of a long-term care facility located in this state, the  
706.17 resident's authorized representative, or a contract pharmacy or licensed health care facility  
706.18 acting on behalf of the resident, the pharmacy will dispense medications prescribed for the  
706.19 resident in unit-dose packaging or, alternatively, comply with section 151.415, subdivision  
706.20 5.

706.21 (h) This subdivision does not apply to a manufacturer licensed under section 151.252,  
706.22 subdivision 1, a wholesale drug distributor licensed under section 151.47, or a third-party  
706.23 logistics provider, to the extent the manufacturer, wholesale drug distributor, or third-party  
706.24 logistics provider is engaged in the distribution of dialysate or devices necessary to perform  
706.25 home peritoneal dialysis on patients with end-stage renal disease, if:

706.26 (1) the manufacturer or its agent leases or owns the licensed manufacturing or wholesaling  
706.27 facility from which the dialysate or devices will be delivered;

706.28 (2) the dialysate is comprised of dextrose or icodextrin and has been approved by the  
706.29 United States Food and Drug Administration;

706.30 (3) the dialysate is stored and delivered in its original, sealed, and unopened  
706.31 manufacturer's packaging;

706.32 (4) the dialysate or devices are delivered only upon:

707.1 (i) receipt of a physician's order by a Minnesota licensed pharmacy; and

707.2 (ii) the review and processing of the prescription by a pharmacist licensed by the state  
707.3 in which the pharmacy is located, who is employed by or under contract to the pharmacy;

707.4 (5) prescriptions, policies, procedures, and records of delivery are maintained by the  
707.5 manufacturer for a minimum of three years and are made available to the board upon request;  
707.6 and

707.7 (6) the manufacturer or the manufacturer's agent delivers the dialysate or devices directly  
707.8 to:

707.9 (i) a patient with end-stage renal disease for whom the prescription was written or the  
707.10 patient's designee, for the patient's self-administration of the dialysis therapy; or

707.11 (ii) a health care provider or institution, for administration or delivery of the dialysis  
707.12 therapy to a patient with end-stage renal disease for whom the prescription was written.

707.13 Sec. 33. Minnesota Statutes 2018, section 151.19, subdivision 3, is amended to read:

707.14 Subd. 3. **Sale of federally restricted medical gases.** (a) A person or establishment not  
707.15 licensed as a pharmacy or a practitioner shall not engage in the retail sale or distribution of  
707.16 federally restricted medical gases without first obtaining a registration from the board and

707.17 paying the applicable fee specified in section 151.065. The registration shall be displayed  
707.18 in a conspicuous place in the business for which it is issued and expires on the date set by  
707.19 the board. It is unlawful for a person to sell or distribute federally restricted medical gases  
707.20 unless a certificate has been issued to that person by the board.

707.21 (b) Application for a medical gas distributor registration under this section shall be made  
707.22 in a manner specified by the board.

707.23 (c) No registration shall be issued or renewed for a medical gas distributor located within  
707.24 the state unless the applicant agrees to operate in a manner prescribed by federal and state  
707.25 law and according to the rules adopted by the board. No license shall be issued for a medical  
707.26 gas distributor located outside of the state unless the applicant agrees to operate in a manner  
707.27 prescribed by federal law and, when distributing medical gases for residents of this state,  
707.28 the laws of this state and Minnesota Rules.

707.29 (d) No registration shall be issued or renewed for a medical gas distributor that is required  
707.30 to be licensed or registered by the state in which it is physically located unless the applicant  
707.31 supplies the board with proof of the licensure or registration. The board may, by rule,  
708.1 establish standards for the registration of a medical gas distributor that is not required to be  
708.2 licensed or registered by the state in which it is physically located.

708.3 (e) The board shall require a separate registration for each medical gas distributor located  
708.4 within the state and for each facility located outside of the state from which medical gases  
708.5 are distributed to residents of this state.

708.6 (f) ~~The board shall not issue~~ Prior to the issuance of an initial or renewed registration  
708.7 for a medical gas distributor ~~unless, the board may require~~ the medical gas distributor ~~passes~~  
708.8 ~~to pass~~ an inspection conducted by an authorized representative of the board. In the case of  
708.9 a medical gas distributor located outside of the state, the board may require the applicant  
708.10 to pay the cost of the inspection, in addition to the license fee in section 151.065, unless the  
708.11 applicant furnishes the board with a report, issued by the appropriate regulatory agency of  
708.12 the state in which the facility is located, of an inspection that has occurred within the 24  
708.13 months immediately preceding receipt of the license application by the board. The board  
708.14 may deny licensure unless the applicant submits documentation satisfactory to the board  
708.15 that any deficiencies noted in an inspection report have been corrected.

708.16 Sec. 34. Minnesota Statutes 2018, section 151.252, subdivision 1, is amended to read:

708.17 Subdivision 1. **Requirements.** (a) No person shall act as a drug manufacturer without  
708.18 first obtaining a license from the board and paying any applicable fee specified in section  
708.19 151.065.

708.20 (b) Application for a drug manufacturer license under this section shall be made in a  
708.21 manner specified by the board.



708.22 (c) No license shall be issued or renewed for a drug manufacturer unless the applicant  
708.23 agrees to operate in a manner prescribed by federal and state law and according to Minnesota  
708.24 Rules.

708.25 (d) No license shall be issued or renewed for a drug manufacturer that is required to be  
708.26 registered pursuant to United States Code, title 21, section 360, unless the applicant supplies  
708.27 the board with proof of registration. The board may establish by rule the standards for  
708.28 licensure of drug manufacturers that are not required to be registered under United States  
708.29 Code, title 21, section 360.

708.30 (e) No license shall be issued or renewed for a drug manufacturer that is required to be  
708.31 licensed or registered by the state in which it is physically located unless the applicant  
708.32 supplies the board with proof of licensure or registration. The board may establish, by rule,  
709.1 standards for the licensure of a drug manufacturer that is not required to be licensed or  
709.2 registered by the state in which it is physically located.

709.3 (f) The board shall require a separate license for each facility located within the state at  
709.4 which drug manufacturing occurs and for each facility located outside of the state at which  
709.5 drugs that are shipped into the state are manufactured.

709.6 (g) ~~The board shall not issue~~ Prior to the issuance of an initial or renewed license for a  
709.7 drug manufacturing facility ~~unless, the board may require the facility passes an~~ to pass a  
709.8 current good manufacturing practices inspection conducted by an authorized representative  
709.9 of the board. In the case of a drug manufacturing facility located outside of the state, the  
709.10 board may require the applicant to pay the cost of the inspection, in addition to the license  
709.11 fee in section 151.065, unless the applicant furnishes the board with a report, issued by the  
709.12 appropriate regulatory agency of the state in which the facility is located or by the United  
709.13 States Food and Drug Administration, of an inspection that has occurred within the 24  
709.14 months immediately preceding receipt of the license application by the board. The board  
709.15 may deny licensure unless the applicant submits documentation satisfactory to the board  
709.16 that any deficiencies noted in an inspection report have been corrected.

709.17 Sec. 35. Minnesota Statutes 2018, section 151.252, subdivision 1a, is amended to read:

709.18 Subd. 1a. **Outsourcing facility.** (a) No person shall act as an outsourcing facility without  
709.19 first obtaining a license from the board and paying any applicable manufacturer licensing  
709.20 fee specified in section 151.065.

709.21 (b) Application for an outsourcing facility license under this section shall be made in a  
709.22 manner specified by the board and may differ from the application required of other drug  
709.23 manufacturers.

709.24 (c) No license shall be issued or renewed for an outsourcing facility unless the applicant  
709.25 agrees to operate in a manner prescribed for outsourcing facilities by federal and state law  
709.26 and according to Minnesota Rules.

709.27 (d) No license shall be issued or renewed for an outsourcing facility unless the applicant  
709.28 supplies the board with proof of such registration by the United States Food and Drug  
709.29 Administration as required by United States Code, title 21, section 353b.

709.30 (e) No license shall be issued or renewed for an outsourcing facility that is required to  
709.31 be licensed or registered by the state in which it is physically located unless the applicant  
709.32 supplies the board with proof of such licensure or registration. The board may establish, by  
710.1 rule, standards for the licensure of an outsourcing facility that is not required to be licensed  
710.2 or registered by the state in which it is physically located.

710.3 (f) The board shall require a separate license for each outsourcing facility located within  
710.4 the state and for each outsourcing facility located outside of the state at which drugs that  
710.5 are shipped into the state are prepared.

710.6 (g) The board shall not issue an initial or renewed license for an outsourcing facility  
710.7 unless the facility passes ~~an~~ a current good manufacturing practices inspection conducted  
710.8 by an authorized representative of the board. In the case of an outsourcing facility located  
710.9 outside of the state, the board may require the applicant to pay the cost of the inspection,  
710.10 in addition to the license fee in section 151.065, unless the applicant furnishes the board  
710.11 with a report, issued by the appropriate regulatory agency of the state in which the facility  
710.12 is located or by the United States Food and Drug Administration, of ~~an~~ a current good  
710.13 manufacturing practices inspection that has occurred within the 24 months immediately  
710.14 preceding receipt of the license application by the board. The board may deny licensure  
710.15 unless the applicant submits documentation satisfactory to the board that any deficiencies  
710.16 noted in an inspection report have been corrected.

710.17 Sec. 36. Minnesota Statutes 2018, section 151.252, subdivision 3, is amended to read:

710.18 Subd. 3. **Payment to practitioner; reporting.** Unless prohibited by United States Code,  
710.19 title 42, section 1320a-7h, a drug manufacturer or outsourcing facility shall file with the  
710.20 board an annual report, in a form and on the date prescribed by the board, identifying all  
710.21 payments, honoraria, reimbursement, or other compensation authorized under section  
710.22 151.461, clauses (4) and (5), paid to practitioners in Minnesota during the preceding calendar  
710.23 year. The report shall identify the nature and value of any payments totaling \$100 or more  
710.24 to a particular practitioner during the year, and shall identify the practitioner. Reports filed  
710.25 under this subdivision are public data.

710.26 Sec. 37. Minnesota Statutes 2018, section 151.253, is amended by adding a subdivision  
710.27 to read:

710.28 Subd. 4. **Emergency veterinary compounding.** A pharmacist working within a pharmacy  
710.29 licensed by the board in the veterinary pharmacy license category may compound and  
710.30 provide a drug product to a veterinarian without first receiving a patient-specific prescription  
710.31 only when:

- 711.1 (1) the compounded drug product is needed to treat animals in urgent or emergency  
711.2 situations, meaning where the health of an animal is threatened, or where suffering or death  
711.3 of an animal is likely to result from failure to immediately treat;
- 711.4 (2) timely access to a compounding pharmacy is not available, as determined by the  
711.5 prescribing veterinarian;
- 711.6 (3) there is no commercially manufactured drug, approved by the United States Food  
711.7 and Drug Administration, that is suitable for treating the animal, or there is a documented  
711.8 shortage of such drug;
- 711.9 (4) the compounded drug is to be administered by a veterinarian or a bona fide employee  
711.10 of the veterinarian, or dispensed to a client of a veterinarian in an amount not to exceed  
711.11 what is necessary to treat an animal for a period of ten days;
- 711.12 (5) the pharmacy has selected the sterile or nonsterile compounding license category,  
711.13 in addition to the veterinary pharmacy licensing category; and
- 711.14 (6) the pharmacy is appropriately registered by the United States Drug Enforcement  
711.15 Administration when providing compounded products that contain controlled substances.
- 711.16 Sec. 38. Minnesota Statutes 2018, section 151.32, is amended to read:  
711.17 151.32 CITATION.
- 711.18 The title of sections 151.01 to ~~151.40~~ 151.58 shall be the Pharmacy Practice and  
711.19 Wholesale Distribution Act.
- 711.20 Sec. 39. Minnesota Statutes 2018, section 151.40, subdivision 1, is amended to read:
- 711.21 Subdivision 1. **Generally.** ~~Except as otherwise provided in subdivision 2,~~ It is unlawful  
711.22 for any person to possess, control, manufacture, sell, furnish, dispense, or otherwise dispose  
711.23 of hypodermic syringes or needles or any instrument or implement which can be adapted  
711.24 for subcutaneous injections, except ~~by~~ for:
- 711.25 (1) The following persons when acting in the course of their practice or employment:
- 711.26 (i) licensed practitioners, ~~registered~~ and their employees, agents, or delegates;
- 711.27 (ii) licensed pharmacies and their employees or agents;
- 711.28 (iii) licensed pharmacists, ~~licensed doctors of veterinary medicine or their assistants;~~
- 711.29 (iv) registered nurses; and licensed practical nurses;
- 711.30 (v) registered medical technologists;
- 712.1 (vi) medical interns; and residents;
- 712.2 (vii) licensed drug wholesalers; and their employees or agents;

- 712.3 (viii) licensed hospitals;  
712.4 (ix) bona fide hospitals in which animals are treated;  
712.5 (x) licensed nursing homes, bona fide hospitals where animals are treated;  
712.6 (xi) licensed morticians;  
712.7 (xii) syringe and needle manufacturers; and their dealers and agents;  
712.8 (xiii) persons engaged in animal husbandry;  
712.9 (xiv) clinical laboratories and their employees;  
712.10 (xv) persons engaged in bona fide research or education or industrial use of hypodermic  
712.11 syringes and needles provided such persons cannot use hypodermic syringes and needles  
712.12 for the administration of drugs to human beings unless such drugs are prescribed, dispensed,  
712.13 and administered by a person lawfully authorized to do so;  
712.14 (xvi) persons who administer drugs pursuant to an order or direction of a licensed doctor  
712.15 of medicine or of a licensed doctor of osteopathic medicine duly licensed to practice  
712.16 medicine; practitioner; and  
712.17 (xvii) syringe service providers and their employees or agents and individuals who obtain  
712.18 and dispose of hypodermic syringes and needles through such providers;  
712.19 (2) a person who self-administers drugs pursuant to either the prescription or the direction  
712.20 of a practitioner, or a family member, caregiver, or other individual who is designated by  
712.21 such person to assist the person in obtaining and using needles and syringes for the  
712.22 administration of such drugs;  
712.23 (3) a person who is disposing of hypodermic syringes and needles through an activity  
712.24 or program developed under section 325F.785; or  
712.25 (4) a person who sells, possesses, or handles hypodermic syringes and needles pursuant  
712.26 to subdivision 2.  
712.27 Sec. 40. Minnesota Statutes 2018, section 151.40, subdivision 2, is amended to read:  
712.28 Subd. 2. **Sales of limited quantities of clean needles and syringes.** (a) A registered  
712.29 pharmacy or its agent or a licensed pharmacist may sell, without a the prescription or  
712.30 direction of a practitioner, unused hypodermic needles and syringes in quantities of ten or  
713.1 fewer, provided the pharmacy or pharmacist complies with all of the requirements of this  
713.2 subdivision.  
713.3 (b) At any location where hypodermic needles and syringes are kept for retail sale under  
713.4 this subdivision, the needles and syringes shall be stored in a manner that makes them  
713.5 available only to authorized personnel and not openly available to customers.

713.6 ~~(c) No registered pharmacy or licensed pharmacist may advertise to the public the~~  
713.7 ~~availability for retail sale, without a prescription, of hypodermic needles or syringes in~~  
713.8 ~~quantities of ten or fewer.~~

713.9 ~~(d) (c) A registered pharmacy or licensed pharmacist that sells hypodermic needles or~~  
713.10 ~~syringes under this subdivision may give the purchaser the materials developed by the~~  
713.11 ~~commissioner of health under section 325F.785.~~

713.12 ~~(e) (d) A registered pharmacy or licensed pharmacist that sells hypodermic needles or~~  
713.13 ~~syringes under this subdivision must certify to the commissioner of health participation in~~  
713.14 ~~an activity, including but not limited to those developed under section 325F.785, that supports~~  
713.15 ~~proper disposal of used hypodermic needles or syringes.~~

713.16 Sec. 41. Minnesota Statutes 2018, section 151.43, is amended to read:  
713.17 151.43 SCOPE.

713.18 ~~Sections 151.42 151.43 to 151.51 apply to any person, partnership, corporation, or~~  
713.19 ~~business firm engaging in the wholesale distribution of prescription drugs within the state,~~  
713.20 ~~and to persons operating as third-party logistics providers.~~

713.21 Sec. 42. [151.441] DEFINITIONS.

713.22 Subdivision 1. Scope. As used in sections 151.43 to 151.51, the following terms have  
713.23 the meanings given in this section.

713.24 Subd. 2. Dispenser. "Dispenser" means a retail pharmacy, hospital pharmacy, a group  
713.25 of chain pharmacies under common ownership and control that do not act as a wholesale  
713.26 distributor, or any other person authorized by law to dispense or administer prescription  
713.27 drugs, and the affiliated warehouses or distribution centers of such entities under common  
713.28 ownership and control that do not act as a wholesale distributor, but does not include a  
713.29 person who dispenses only products to be used in animals in accordance with United States  
713.30 Code, title 21, section 360b(a)(5).

714.1 Subd. 3. Disposition. "Disposition," with respect to a product within the possession or  
714.2 control of an entity, means the removal of such product from the pharmaceutical distribution  
714.3 supply chain, which may include disposal or return of the product for disposal or other  
714.4 appropriate handling and other actions, such as retaining a sample of the product for further  
714.5 additional physical examination or laboratory analysis of the product by a manufacturer or  
714.6 regulatory or law enforcement agency.

714.7 Subd. 4. Distribute or distribution. "Distribute" or "distribution" means the sale,  
714.8 purchase, trade, delivery, handling, storage, or receipt of a product, and does not include  
714.9 the dispensing of a product pursuant to a prescription executed in accordance with United  
714.10 States Code, title 21, section 353(b)(1), or the dispensing of a product approved under United  
714.11 States Code, title 21, section 360b(b).

714.12 Subd. 5. Manufacturer. "Manufacturer" means, with respect to a product:

714.13 (1) a person who holds an application approved under United States Code, title 21,  
714.14 section 355, or a license issued under United States Code, title 42, section 262, for such  
714.15 product, or if such product is not the subject of an approved application or license, the person  
714.16 who manufactured the product;

714.17 (2) a co-licensed partner of the person described in clause (1) that obtains the product  
714.18 directly from a person described in this subdivision; or

714.19 (3) an affiliate of a person described in clause (1) or (2) that receives the product directly  
714.20 from a person described in this subdivision.

714.21 Subd. 6. **Medical convenience kit.** "Medical convenience kit" means a collection of  
714.22 finished medical devices, which may include a product or biological product, assembled in  
714.23 kit form strictly for the convenience of the purchaser or user.

714.24 Subd. 7. **Package.** "Package" means the smallest individual salable unit of product for  
714.25 distribution by a manufacturer or repackager that is intended by the manufacturer for ultimate  
714.26 sale to the dispenser of such product. For purposes of this subdivision, an "individual salable  
714.27 unit" is the smallest container of product introduced into commerce by the manufacturer or  
714.28 repackager that is intended by the manufacturer or repackager for individual sale to a  
714.29 dispenser.

714.30 Subd. 8. **Prescription drug.** "Prescription drug" means a drug for human use subject  
714.31 to United States Code, title 21, section 353(b)(1).

714.32 Subd. 9. **Product.** "Product" means a prescription drug in a finished dosage form for  
714.33 administration to a patient without substantial further manufacturing, but does not include  
715.1 blood or blood components intended for transfusion; radioactive drugs or radioactive  
715.2 biological products as defined in Code of Federal Regulations, title 21, section 600.3(ee),  
715.3 that are regulated by the Nuclear Regulatory Commission or by a state pursuant to an  
715.4 agreement with such commission under United States Code, title 42, section 2021; imaging  
715.5 drugs; an intravenous product described in subdivision 12, paragraph (b), clauses (14) to  
715.6 (16); any medical gas defined in United States Code, title 21, section 360ddd; homeopathic  
715.7 drugs marketed in accordance with applicable federal law; or a drug compounded in  
715.8 compliance with United States Code, title 21, section 353a or 353b.

715.9 Subd. 10. **Repackager.** "Repackager" means a person who owns or operates an  
715.10 establishment that repacks and relabels a product or package for further sale or for distribution  
715.11 without a further transaction.

715.12 Subd. 11. **Third-party logistics provider.** "Third-party logistics provider" means an  
715.13 entity that provides or coordinates warehousing or other logistics services of a product in  
715.14 interstate commerce on behalf of a manufacturer, wholesale distributor, or dispenser of a  
715.15 product, but does not take ownership of the product nor have responsibility to direct the  
715.16 sale or disposition of the product.

- 715.17 Subd. 12. **Transaction.** (a) "Transaction" means the transfer of product between persons  
715.18 in which a change of ownership occurs.
- 715.19 (b) The term "transaction" does not include:
- 715.20 (1) intracompany distribution of any product between members of an affiliate or within  
715.21 a manufacturer;
- 715.22 (2) the distribution of a product among hospitals or other health care entities that are  
715.23 under common control;
- 715.24 (3) the distribution of a drug or an offer to distribute a drug for emergency medical  
715.25 reasons, including:
- 715.26 (i) a public health emergency declaration pursuant to United States Code, title 42, section  
715.27 247d;
- 715.28 (ii) a national security or peacetime emergency declared by the governor pursuant to  
715.29 section 12.31; or
- 715.30 (iii) a situation involving an action taken by the commissioner of health pursuant to  
715.31 section 144.4197, 144.4198 or 151.37, subdivisions 2, paragraph (b), and 10, except that,  
715.32 for purposes of this paragraph, a drug shortage not caused by a public health emergency  
715.33 shall not constitute an emergency medical reason;
- 716.1 (4) the dispensing of a drug pursuant to a valid prescription issued by a licensed  
716.2 practitioner;
- 716.3 (5) the distribution of product samples by a manufacturer or a licensed wholesale  
716.4 distributor in accordance with United States Code, title 21, section 353(d);
- 716.5 (6) the distribution of blood or blood components intended for transfusion;
- 716.6 (7) the distribution of minimal quantities of product by a licensed retail pharmacy to a  
716.7 licensed practitioner for office use;
- 716.8 (8) the sale, purchase, or trade of a drug or an offer to sell, purchase, or trade a drug by  
716.9 a charitable organization described in United States Code, title 26, section 501(c)(3), to a  
716.10 nonprofit affiliate of the organization to the extent otherwise permitted by law;
- 716.11 (9) the distribution of a product pursuant to the sale or merger of a pharmacy or  
716.12 pharmacies or a wholesale distributor or wholesale distributors, except that any records  
716.13 required to be maintained for the product shall be transferred to the new owner of the  
716.14 pharmacy or pharmacies or wholesale distributor or wholesale distributors;
- 716.15 (10) the dispensing of a product approved under United States Code, title 21, section  
716.16 360b(c);

716.17 (11) transfer of products to or from any facility that is licensed by the Nuclear Regulatory  
716.18 Commission or by a state pursuant to an agreement with such commission under United  
716.19 States Code, title 42, section 2021;

716.20 (12) transfer of a combination product that is not subject to approval under United States  
716.21 Code, title 21, section 355, or licensure under United States Code, title 42, section 262, and  
716.22 that is:

716.23 (i) a product comprised of a device and one or more other regulated components (such  
716.24 as a drug/device, biologic/device, or drug/device/biologic) that are physically, chemically,  
716.25 or otherwise combined or mixed and produced as a single entity;

716.26 (ii) two or more separate products packaged together in a single package or as a unit  
716.27 and comprised of a drug and device or device and biological product; or

716.28 (iii) two or more finished medical devices plus one or more drug or biological products  
716.29 that are packaged together in a medical convenience kit;

716.30 (13) the distribution of a medical convenience kit if:

717.1 (i) the medical convenience kit is assembled in an establishment that is registered with  
717.2 the Food and Drug Administration as a device manufacturer in accordance with United  
717.3 States Code, title 21, section 360(b)(2);

717.4 (ii) the medical convenience kit does not contain a controlled substance that appears in  
717.5 a schedule contained in the Comprehensive Drug Abuse Prevention and Control Act of  
717.6 1970, United States Code, title 21, section 801, et seq.;

717.7 (iii) in the case of a medical convenience kit that includes a product, the person who  
717.8 manufactures the kit:

717.9 (A) purchased the product directly from the pharmaceutical manufacturer or from a  
717.10 wholesale distributor that purchased the product directly from the pharmaceutical  
717.11 manufacturer; and

717.12 (B) does not alter the primary container or label of the product as purchased from the  
717.13 manufacturer or wholesale distributor; and

717.14 (iv) in the case of a medical convenience kit that includes a product, the product is:

717.15 (A) an intravenous solution intended for the replenishment of fluids and electrolytes;

717.16 (B) a product intended to maintain the equilibrium of water and minerals in the body;

717.17 (C) a product intended for irrigation or reconstitution;

717.18 (D) an anesthetic;

717.19 (E) an anticoagulant;



- 717.20 (F) a vasopressor; or
- 717.21 (G) a sympathomimetic;
- 717.22 (14) the distribution of an intravenous product that, by its formulation, is intended for
- 717.23 the replenishment of fluids and electrolytes, such as sodium, chloride, and potassium; or
- 717.24 calories, such as dextrose and amino acids;
- 717.25 (15) the distribution of an intravenous product used to maintain the equilibrium of water
- 717.26 and minerals in the body, such as dialysis solutions;
- 717.27 (16) the distribution of a product that is intended for irrigation, or sterile water, whether
- 717.28 intended for such purposes or for injection;
- 717.29 (17) the distribution of a medical gas as defined in United States Code, title 21, section
- 717.30 360ddd; or
- 718.1 (18) the distribution or sale of any licensed product under United States Code, title 42,
- 718.2 section 262, that meets the definition of a device under United States Code, title 21, section
- 718.3 321(h).
- 718.4 Subd. 13. **Wholesale distribution.** "Wholesale distribution" means the distribution of
- 718.5 a drug to a person other than a consumer or patient, or receipt of a drug by a person other
- 718.6 than the consumer or patient, but does not include:
- 718.7 (1) intracompany distribution of any drug between members of an affiliate or within a
- 718.8 manufacturer;
- 718.9 (2) the distribution of a drug or an offer to distribute a drug among hospitals or other
- 718.10 health care entities that are under common control;
- 718.11 (3) the distribution of a drug or an offer to distribute a drug for emergency medical
- 718.12 reasons, including:
- 718.13 (i) a public health emergency declaration pursuant to United States Code, title 42, section
- 718.14 247d;
- 718.15 (ii) a national security or peacetime emergency declared by the governor pursuant to
- 718.16 section 12.31; or
- 718.17 (iii) a situation involving an action taken by the commissioner of health pursuant to
- 718.18 sections 144.4197, 144.4198 or 151.37, subdivisions 2, paragraph (b), and 10, except that,
- 718.19 for purposes of this paragraph, a drug shortage not caused by a public health emergency
- 718.20 shall not constitute an emergency medical reason;
- 718.21 (4) the dispensing of a drug pursuant to a valid prescription issued by a licensed
- 718.22 practitioner;

- 718.23 (5) the distribution of minimal quantities of a drug by a licensed retail pharmacy to a  
718.24 licensed practitioner for office use;
- 718.25 (6) the distribution of a drug or an offer to distribute a drug by a charitable organization  
718.26 to a nonprofit affiliate of the organization to the extent otherwise permitted by law;
- 718.27 (7) the purchase or other acquisition by a dispenser, hospital, or other health care entity  
718.28 of a drug for use by such dispenser, hospital, or other health care entity;
- 718.29 (8) the distribution of a drug by the manufacturer of such drug;
- 718.30 (9) the receipt or transfer of a drug by an authorized third-party logistics provider provided  
718.31 that such third-party logistics provider does not take ownership of the drug;
- 719.1 (10) a common carrier that transports a drug, provided that the common carrier does not  
719.2 take ownership of the drug;
- 719.3 (11) the distribution of a drug or an offer to distribute a drug by an authorized repackager  
719.4 that has taken ownership or possession of the drug and repacks it in accordance with United  
719.5 States Code, title 21, section 360eee-1(e);
- 719.6 (12) salable drug returns when conducted by a dispenser;
- 719.7 (13) the distribution of a collection of finished medical devices, which may include a  
719.8 product or biological product, assembled in kit form strictly for the convenience of the  
719.9 purchaser or user, referred to in this section as a medical convenience kit, if:
- 719.10 (i) the medical convenience kit is assembled in an establishment that is registered with  
719.11 the Food and Drug Administration as a device manufacturer in accordance with United  
719.12 States Code, title 21, section 360(b)(2);
- 719.13 (ii) the medical convenience kit does not contain a controlled substance that appears in  
719.14 a schedule contained in the Comprehensive Drug Abuse Prevention and Control Act of  
719.15 1970, United States Code, title 21, section 801, et seq.;
- 719.16 (iii) in the case of a medical convenience kit that includes a product, the person that  
719.17 manufactures the kit:
- 719.18 (A) purchased such product directly from the pharmaceutical manufacturer or from a  
719.19 wholesale distributor that purchased the product directly from the pharmaceutical  
719.20 manufacturer; and
- 719.21 (B) does not alter the primary container or label of the product as purchased from the  
719.22 manufacturer or wholesale distributor; and
- 719.23 (iv) in the case of a medical convenience kit that includes a product, the product is:
- 719.24 (A) an intravenous solution intended for the replenishment of fluids and electrolytes;

- 719.25 (B) a product intended to maintain the equilibrium of water and minerals in the body;
- 719.26 (C) a product intended for irrigation or reconstitution;
- 719.27 (D) an anesthetic;
- 719.28 (E) an anticoagulant;
- 719.29 (F) a vasopressor; or
- 719.30 (G) a sympathomimetic;
- 720.1 (14) the distribution of an intravenous drug that, by its formulation, is intended for the  
720.2 replenishment of fluids and electrolytes, such as sodium, chloride, and potassium; or calories,  
720.3 such as dextrose and amino acids;
- 720.4 (15) the distribution of an intravenous drug used to maintain the equilibrium of water  
720.5 and minerals in the body, such as dialysis solutions;
- 720.6 (16) the distribution of a drug that is intended for irrigation, or sterile water, whether  
720.7 intended for such purposes or for injection;
- 720.8 (17) the distribution of medical gas, as defined in United States Code, title 21, section  
720.9 360ddd;
- 720.10 (18) facilitating the distribution of a product by providing solely administrative services,  
720.11 including processing of orders and payments; or
- 720.12 (19) the transfer of a product by a hospital or other health care entity, or by a wholesale  
720.13 distributor or manufacturer operating at the direction of the hospital or other health care  
720.14 entity, to a repackager described in United States Code, title 21, section 360eee(16)(B), and  
720.15 registered under United States Code, title 21, section 360, for the purpose of repackaging  
720.16 the drug for use by that hospital, or other health care entity and other health care entities  
720.17 that are under common control, if ownership of the drug remains with the hospital or other  
720.18 health care entity at all times.
- 720.19 Subd. 14. **Wholesale distributor:** "Wholesale distributor" means a person engaged in  
720.20 wholesale distribution but does not include a manufacturer, a manufacturer's co-licensed  
720.21 partner, a third-party logistics provider, or a repackager.
- 720.22 Sec. 43. Minnesota Statutes 2018, section 151.46, is amended to read:  
720.23 151.46 PROHIBITED DRUG PURCHASES OR RECEIPT.
- 720.24 It is unlawful for any person to knowingly purchase or receive a prescription drug from  
720.25 a source other than a person or entity licensed under the laws of the state, except where  
720.26 otherwise provided. Licensed wholesale drug distributors ~~other than pharmacies~~ and licensed  
720.27 third-party logistics providers shall not dispense or distribute prescription drugs directly to  
720.28 patients. A person violating the provisions of this section is guilty of a misdemeanor.
- 720.29 Sec. 44. Minnesota Statutes 2018, section 151.47, subdivision 1, is amended to read:

720.30 Subdivision 1. **Requirements Generally.** ~~(a) All wholesale drug distributors are subject~~  
720.31 ~~to the requirements of this subdivision. Each manufacturer, repackager, wholesale distributor,~~  
721.1 ~~and dispenser shall comply with the requirements set forth in United States Code, title 21,~~  
721.2 ~~section 360eee-1, with respect to the role of such manufacturer, repackager, wholesale~~  
721.3 ~~distributor, or dispenser in a transaction involving a product. If an entity meets the definition~~  
721.4 ~~of more than one of the entities listed in the preceding sentence, such entity shall comply~~  
721.5 ~~with all applicable requirements in United States Code, title 21, section 360eee-1, but shall~~  
721.6 ~~not be required to duplicate requirements.~~

721.7 ~~(b) No person or distribution outlet shall act as a wholesale drug distributor without first~~  
721.8 ~~obtaining a license from the board and paying any applicable fee specified in section 151.065.~~

721.9 ~~(c) Application for a wholesale drug distributor license under this section shall be made~~  
721.10 ~~in a manner specified by the board.~~

721.11 ~~(d) No license shall be issued or renewed for a wholesale drug distributor to operate~~  
721.12 ~~unless the applicant agrees to operate in a manner prescribed by federal and state law and~~  
721.13 ~~according to the rules adopted by the board.~~

721.14 ~~(e) No license may be issued or renewed for a drug wholesale distributor that is required~~  
721.15 ~~to be licensed or registered by the state in which it is physically located unless the applicant~~  
721.16 ~~supplies the board with proof of licensure or registration. The board may establish, by rule,~~  
721.17 ~~standards for the licensure of a drug wholesale distributor that is not required to be licensed~~  
721.18 ~~or registered by the state in which it is physically located.~~

721.19 ~~(f) The board shall require a separate license for each drug wholesale distributor facility~~  
721.20 ~~located within the state and for each drug wholesale distributor facility located outside of~~  
721.21 ~~the state from which drugs are shipped into the state or to which drugs are reverse distributed.~~

721.22 ~~(g) The board shall not issue an initial or renewed license for a drug wholesale distributor~~  
721.23 ~~facility unless the facility passes an inspection conducted by an authorized representative~~  
721.24 ~~of the board, or is accredited by an accreditation program approved by the board. In the~~  
721.25 ~~case of a drug wholesale distributor facility located outside of the state, the board may~~  
721.26 ~~require the applicant to pay the cost of the inspection, in addition to the license fee in section~~  
721.27 ~~151.065, unless the applicant furnishes the board with a report, issued by the appropriate~~  
721.28 ~~regulatory agency of the state in which the facility is located, of an inspection that has~~  
721.29 ~~occurred within the 24 months immediately preceding receipt of the license application by~~  
721.30 ~~the board, or furnishes the board with proof of current accreditation. The board may deny~~  
721.31 ~~licensure unless the applicant submits documentation satisfactory to the board that any~~  
721.32 ~~deficiencies noted in an inspection report have been corrected.~~

722.1 ~~(h) As a condition for receiving and retaining a wholesale drug distributor license issued~~  
722.2 ~~under sections 151.42 to 151.51, an applicant shall satisfy the board that it has and will~~  
722.3 ~~continuously maintain:~~

722.4 ~~(1) adequate storage conditions and facilities;~~

- 722.5 ~~(2) minimum liability and other insurance as may be required under any applicable~~  
722.6 ~~federal or state law;~~
- 722.7 ~~(3) a viable security system that includes an after hours central alarm, or comparable~~  
722.8 ~~entry detection capability; restricted access to the premises; comprehensive employment~~  
722.9 ~~applicant screening; and safeguards against all forms of employee theft;~~
- 722.10 ~~(4) a system of records describing all wholesale drug distributor activities set forth in~~  
722.11 ~~section 151.44 for at least the most recent two-year period, which shall be reasonably~~  
722.12 ~~accessible as defined by board regulations in any inspection authorized by the board;~~
- 722.13 ~~(5) principals and persons, including officers, directors, primary shareholders, and key~~  
722.14 ~~management executives, who must at all times demonstrate and maintain their capability~~  
722.15 ~~of conducting business in conformity with sound financial practices as well as state and~~  
722.16 ~~federal law;~~
- 722.17 ~~(6) complete, updated information, to be provided to the board as a condition for obtaining~~  
722.18 ~~and retaining a license, about each wholesale drug distributor to be licensed, including all~~  
722.19 ~~pertinent corporate licensee information, if applicable, or other ownership, principal, key~~  
722.20 ~~personnel, and facilities information found to be necessary by the board;~~
- 722.21 ~~(7) written policies and procedures that assure reasonable wholesale drug distributor~~  
722.22 ~~preparation for, protection against, and handling of any facility security or operation~~  
722.23 ~~problems, including, but not limited to, those caused by natural disaster or government~~  
722.24 ~~emergency, inventory inaccuracies or product shipping and receiving, outdated product or~~  
722.25 ~~other unauthorized product control, appropriate disposition of returned goods, and product~~  
722.26 ~~recalls;~~
- 722.27 ~~(8) sufficient inspection procedures for all incoming and outgoing product shipments;~~  
722.28 ~~and~~
- 722.29 ~~(9) operations in compliance with all federal requirements applicable to wholesale drug~~  
722.30 ~~distribution;~~
- 722.31 ~~(i) An agent or employee of any licensed wholesale drug distributor need not seek~~  
722.32 ~~licensure under this section.~~
- 723.1 Sec. 45. Minnesota Statutes 2018, section 151.47, is amended by adding a subdivision to  
723.2 read:
- 723.3 Subd. 1a. **Licensing.** (a) The board shall license wholesale distributors in a manner that  
723.4 is consistent with United States Code, title 21, section 360eee-2, and the regulations  
723.5 promulgated thereunder. In the event that the provisions of this section, or of the rules of  
723.6 the board, conflict with the provisions of United States Code, title 21, section 360eee-2, or  
723.7 the rules promulgated thereunder, the federal provisions shall prevail. The board shall not  
723.8 license a person as a wholesale distributor unless the person is engaged in wholesale  
723.9 distribution.

- 723.10 (b) No person shall act as a wholesale distributor without first obtaining a license from  
723.11 the board and paying any applicable fee specified in section 151.065.
- 723.12 (c) Application for a wholesale distributor license under this section shall be made in a  
723.13 manner specified by the board.
- 723.14 (d) No license shall be issued or renewed for a wholesale distributor unless the applicant  
723.15 agrees to operate in a manner prescribed by federal and state law and according to the rules  
723.16 adopted by the board.
- 723.17 (e) No license may be issued or renewed for a wholesale distributor facility that is located  
723.18 in another state unless the applicant supplies the board with proof of licensure or registration  
723.19 by the state in which the wholesale distributor is physically located or by the United States  
723.20 Food and Drug Administration.
- 723.21 (f) The board shall require a separate license for each drug wholesale distributor facility  
723.22 located within the state and for each drug wholesale distributor facility located outside of  
723.23 the state from which drugs are shipped into the state or to which drugs are reverse distributed.
- 723.24 (g) The board shall not issue an initial or renewed license for a drug wholesale distributor  
723.25 facility unless the facility passes an inspection conducted by an authorized representative  
723.26 of the board or is inspected and accredited by an accreditation program approved by the  
723.27 board. In the case of a drug wholesale distributor facility located outside of the state, the  
723.28 board may require the applicant to pay the cost of the inspection, in addition to the license  
723.29 fee in section 151.065, unless the applicant furnishes the board with a report, issued by the  
723.30 appropriate regulatory agency of the state in which the facility is located, of an inspection  
723.31 that has occurred within the 24 months immediately preceding receipt of the license  
723.32 application by the board, or furnishes the board with proof of current accreditation. The  
723.33 board may deny licensure unless the applicant submits documentation satisfactory to the  
723.34 board that any deficiencies noted in an inspection report have been corrected.
- 724.1 (h) As a condition for receiving and retaining a wholesale drug distributor license issued  
724.2 under this section, an applicant shall satisfy the board that it:
- 724.3 (1) has adequate storage conditions and facilities to allow for the safe receipt, storage,  
724.4 handling, and sale of drugs;
- 724.5 (2) has minimum liability and other insurance as may be required under any applicable  
724.6 federal or state law;
- 724.7 (3) has a functioning security system that includes an after-hours central alarm or  
724.8 comparable entry detection capability, and security policies and procedures that include  
724.9 provisions for restricted access to the premises, comprehensive employee applicant screening,  
724.10 and safeguards against all forms of employee theft;
- 724.11 (4) will maintain appropriate records of the distribution of drugs, which shall be kept  
724.12 for a minimum of two years and be made available to the board upon request;

724.13 (5) employs principals and other persons, including officers, directors, primary  
724.14 shareholders, and key management executives, who will at all times demonstrate and maintain  
724.15 their capability of conducting business in conformity with state and federal law, at least one  
724.16 of whom will serve as the primary designated representative for each licensed facility and  
724.17 who will be responsible for ensuring that the facility operates in a manner consistent with  
724.18 state and federal law;

724.19 (6) will ensure that all personnel have sufficient education, training, and experience, in  
724.20 any combination, so that they may perform assigned duties in a manner that maintains the  
724.21 quality, safety, and security of drugs;

724.22 (7) will provide the board with updated information about each wholesale distributor  
724.23 facility to be licensed, as requested by the board;

724.24 (8) will develop and, as necessary, update written policies and procedures that assure  
724.25 reasonable wholesale drug distributor preparation for, protection against, and handling of  
724.26 any facility security or operation problems, including but not limited to those caused by  
724.27 natural disaster or government emergency, inventory inaccuracies or drug shipping and  
724.28 receiving, outdated drugs, appropriate handling of returned goods, and drug recalls;

724.29 (9) will have sufficient policies and procedures in place for the inspection of all incoming  
724.30 and outgoing drug shipments;

724.31 (10) will operate in compliance with all state and federal requirements applicable to  
724.32 wholesale drug distribution; and

725.1 (11) will meet the requirements for inspections found in this subdivision.

725.2 (i) An agent or employee of any licensed wholesale drug distributor need not seek  
725.3 licensure under this section. Paragraphs (i) to (p) apply to wholesaler personnel.

725.4 (j) The board is authorized to and shall require fingerprint-based criminal background  
725.5 checks of facility managers or designated representatives, as required under United States  
725.6 Code, title 21, section 360eee-2. The criminal background checks shall be conducted as  
725.7 provided in section 214.075. The board shall use the criminal background check data received  
725.8 to evaluate the qualifications of persons for ownership of or employment by a licensed  
725.9 wholesaler and shall not disseminate this data except as allowed by law.

725.10 (k) A licensed wholesaler shall not be owned by, or employ, a person who has:

725.11 (1) been convicted of any felony for conduct relating to wholesale distribution, any  
725.12 felony violation of United States Code, title 21, section 331, subsections (i) or (k), or any  
725.13 felony violation of United States Code, title 18, section 1365, relating to product tampering;  
725.14 or

725.15 (2) engaged in a pattern of violating the requirements of United States Code, title 21,  
725.16 section 360eee-2, or the regulations promulgated thereunder, or state requirements for  
725.17 licensure, that presents a threat of serious adverse health consequences or death to humans.

725.18 (l) An applicant for the issuance or renewal of a wholesale distributor license shall  
725.19 execute and file with the board a surety bond.

725.20 (m) Prior to issuing or renewing a wholesale distributor license, the board shall require  
725.21 an applicant that is not a government owned and operated wholesale distributor to submit  
725.22 a surety bond of \$100,000, except that if the annual gross receipts of the applicant for the  
725.23 previous tax year is \$10,000,000 or less, a surety bond of \$25,000 shall be required.

725.24 (n) If a wholesale distributor can provide evidence satisfactory to the board that it  
725.25 possesses the required bond in another state, the requirement for a bond shall be waived.

725.26 (o) The purpose of the surety bond required under this subdivision is to secure payment  
725.27 of any civil penalty imposed by the board pursuant to section 151.071, subdivision 1. The  
725.28 board may make a claim against the bond if the licensee fails to pay a civil penalty within  
725.29 30 days after the order imposing the fine or costs become final.

725.30 (p) A single surety bond shall satisfy the requirement for the submission of a bond for  
725.31 all licensed wholesale distributor facilities under common ownership.

726.1 Sec. 46. [151.471] THIRD-PARTY LOGISTICS PROVIDER REQUIREMENTS.

726.2 Subdivision 1. **Generally.** Each third-party logistics provider shall comply with the  
726.3 requirements set forth in United States Code, title 21, section 360eee to 360eee-4, that are  
726.4 applicable to third-party logistics providers.

726.5 Subd. 2. **Licensing.** (a) The board shall license third-party logistics providers in a manner  
726.6 that is consistent with United States Code, title 21, section 360eee-3, and the regulations  
726.7 promulgated thereunder. In the event that the provisions of this section or of the rules of  
726.8 the board conflict with the provisions of United States Code, title 21, section 360eee-3, or  
726.9 the rules promulgated thereunder, the federal provisions shall prevail. The board shall not  
726.10 license a person as a third-party logistics provider unless the person is operating as such.

726.11 (b) No person shall act as a third-party logistics provider without first obtaining a license  
726.12 from the board and paying any applicable fee specified in section 151.065.

726.13 (c) Application for a third-party logistics provider license under this section shall be  
726.14 made in a manner specified by the board.

726.15 (d) No license shall be issued or renewed for a third-party logistics provider unless the  
726.16 applicant agrees to operate in a manner prescribed by federal and state law and according  
726.17 to the rules adopted by the board.

726.18 (e) No license may be issued or renewed for a third-party logistics provider facility that  
726.19 is located in another state unless the applicant supplies the board with proof of licensure or



726.20 registration by the state in which the third-party logistics provider facility is physically  
726.21 located or by the United States Food and Drug Administration.

726.22 (f) The board shall require a separate license for each third-party logistics provider  
726.23 facility located within the state and for each third-party logistics provider facility located  
726.24 outside of the state from which drugs are shipped into the state or to which drugs are reverse  
726.25 distributed.

726.26 (g) The board shall not issue an initial or renewed license for a third-party logistics  
726.27 provider facility unless the facility passes an inspection conducted by an authorized  
726.28 representative of the board or is inspected and accredited by an accreditation program  
726.29 approved by the board. In the case of a third-party logistics provider facility located outside  
726.30 of the state, the board may require the applicant to pay the cost of the inspection, in addition  
726.31 to the license fee in section 151.065, unless the applicant furnishes the board with a report  
726.32 issued by the appropriate regulatory agency of the state in which the facility is located, of  
726.33 an inspection that has occurred within the 24 months immediately preceding receipt of the  
727.1 license application by the board, or furnishes the board with proof of current accreditation.  
727.2 The board may deny licensure unless the applicant submits documentation satisfactory to  
727.3 the board that any deficiencies noted in an inspection report have been corrected.

727.4 (h) As a condition for receiving and retaining a third-party logistics provider facility  
727.5 license issued under this section, an applicant shall satisfy the board that it:

727.6 (1) has adequate storage conditions and facilities to allow for the safe receipt, storage,  
727.7 handling, and transfer of drugs;

727.8 (2) has minimum liability and other insurance as may be required under any applicable  
727.9 federal or state law;

727.10 (3) has a functioning security system that includes an after-hours central alarm or  
727.11 comparable entry detection capability, and security policies and procedures that include  
727.12 provisions for restricted access to the premises, comprehensive employee applicant screening,  
727.13 and safeguards against all forms of employee theft;

727.14 (4) will maintain appropriate records of the handling of drugs, which shall be kept for  
727.15 a minimum of two years and be made available to the board upon request;

727.16 (5) employs principals and other persons, including officers, directors, primary  
727.17 shareholders, and key management executives, who will at all times demonstrate and maintain  
727.18 their capability of conducting business in conformity with state and federal law, at least one  
727.19 of whom will serve as the primary designated representative for each licensed facility and  
727.20 who will be responsible for ensuring that the facility operates in a manner consistent with  
727.21 state and federal law;

727.22 (6) will ensure that all personnel have sufficient education, training, and experience, in  
727.23 any combination, so that they may perform assigned duties in a manner that maintains the  
727.24 quality, safety, and security of drugs;

727.25 (7) will provide the board with updated information about each third-party logistics  
727.26 provider facility to be licensed by the board;

727.27 (8) will develop and, as necessary, update written policies and procedures that ensure  
727.28 reasonable preparation for, protection against, and handling of any facility security or  
727.29 operation problems, including, but not limited to, those caused by natural disaster or  
727.30 government emergency, inventory inaccuracies or drug shipping and receiving, outdated  
727.31 drug, appropriate handling of returned goods, and drug recalls;

727.32 (9) will have sufficient policies and procedures in place for the inspection of all incoming  
727.33 and outgoing drug shipments;

728.1 (10) will operate in compliance with all state and federal requirements applicable to  
728.2 third-party logistics providers; and

728.3 (11) will meet the requirements for inspections found in this subdivision.

728.4 (i) An agent or employee of any licensed third-party logistics provider need not seek  
728.5 licensure under this section. Paragraphs (j) and (k) apply to third-party logistics provider  
728.6 personnel.

728.7 (j) The board is authorized to and shall require fingerprint-based criminal background  
728.8 checks of facility managers or designated representatives. The criminal background checks  
728.9 shall be conducted as provided in section 214.075. The board shall use the criminal  
728.10 background check data received to evaluate the qualifications of persons for ownership of  
728.11 or employment by a licensed third-party logistics provider and shall not disseminate this  
728.12 data except as allowed by law.

728.13 (k) A licensed third-party logistics provider shall not have as a facility manager or  
728.14 designated representative any person who has been convicted of any felony for conduct  
728.15 relating to wholesale distribution, any felony violation of United States Code, title 21, section  
728.16 331, subsection (i) or (k), or any felony violation of United States Code, title 18, section  
728.17 1365, relating to product tampering.

728.18 Sec. 47. Minnesota Statutes 2018, section 152.126, subdivision 6, is amended to read:

728.19 Subd. 6. **Access to reporting system data.** (a) Except as indicated in this subdivision,  
728.20 the data submitted to the board under subdivision 4 is private data on individuals as defined  
728.21 in section 13.02, subdivision 12, and not subject to public disclosure.

728.22 (b) Except as specified in subdivision 5, the following persons shall be considered  
728.23 permissible users and may access the data submitted under subdivision 4 in the same or  
728.24 similar manner, and for the same or similar purposes, as those persons who are authorized  
728.25 to access similar private data on individuals under federal and state law:

374.4 Sec. 15. Minnesota Statutes 2018, section 152.126, subdivision 6, is amended to read:

374.5 Subd. 6. **Access to reporting system data.** (a) Except as indicated in this subdivision,  
374.6 the data submitted to the board under subdivision 4 is private data on individuals as defined  
374.7 in section 13.02, subdivision 12, and not subject to public disclosure.

374.8 (b) Except as specified in subdivision 5, the following persons shall be considered  
374.9 permissible users and may access the data submitted under subdivision 4 in the same or  
374.10 similar manner, and for the same or similar purposes, as those persons who are authorized  
374.11 to access similar private data on individuals under federal and state law:

728.26 (1) a prescriber or an agent or employee of the prescriber to whom the prescriber has  
728.27 delegated the task of accessing the data, to the extent the information relates specifically to  
728.28 a current patient, to whom the prescriber is:

728.29 (i) prescribing or considering prescribing any controlled substance;

728.30 (ii) providing emergency medical treatment for which access to the data may be necessary;

728.31 (iii) providing care, and the prescriber has reason to believe, based on clinically valid  
728.32 indications, that the patient is potentially abusing a controlled substance; or

729.1 (iv) providing other medical treatment for which access to the data may be necessary  
729.2 for a clinically valid purpose and the patient has consented to access to the submitted data,  
729.3 and with the provision that the prescriber remains responsible for the use or misuse of data  
729.4 accessed by a delegated agent or employee;

729.5 (2) a dispenser or an agent or employee of the dispenser to whom the dispenser has  
729.6 delegated the task of accessing the data, to the extent the information relates specifically to  
729.7 a current patient to whom that dispenser is dispensing or considering dispensing any  
729.8 controlled substance and with the provision that the dispenser remains responsible for the  
729.9 use or misuse of data accessed by a delegated agent or employee;

729.10 (3) a licensed pharmacist who is providing pharmaceutical care for which access to the  
729.11 data may be necessary to the extent that the information relates specifically to a current  
729.12 patient for whom the pharmacist is providing pharmaceutical care: (i) if the patient has  
729.13 consented to access to the submitted data; or (ii) if the pharmacist is consulted by a prescriber  
729.14 who is requesting data in accordance with clause (1);

729.15 (4) an individual who is the recipient of a controlled substance prescription for which  
729.16 data was submitted under subdivision 4, or a guardian of the individual, parent or guardian  
729.17 of a minor, or health care agent of the individual acting under a health care directive under  
729.18 chapter 145C;

729.19 (5) personnel or designees of a health-related licensing board listed in section 214.01,  
729.20 subdivision 2, or of the Emergency Medical Services Regulatory Board, assigned to conduct  
729.21 a bona fide investigation of a complaint received by that board that alleges that a specific  
729.22 licensee is impaired by use of a drug for which data is collected under subdivision 4, has  
729.23 engaged in activity that would constitute a crime as defined in section 152.025, or has  
729.24 engaged in the behavior specified in subdivision 5, paragraph (a);

729.25 (6) personnel of the board engaged in the collection, review, and analysis of controlled  
729.26 substance prescription information as part of the assigned duties and responsibilities under  
729.27 this section;

729.28 (7) authorized personnel of a vendor under contract with the state of Minnesota who are  
729.29 engaged in the design, implementation, operation, and maintenance of the prescription  
729.30 monitoring program as part of the assigned duties and responsibilities of their employment,  
729.31 provided that access to data is limited to the minimum amount necessary to carry out such

374.12 (1) a prescriber or an agent or employee of the prescriber to whom the prescriber has  
374.13 delegated the task of accessing the data, to the extent the information relates specifically to  
374.14 a current patient, to whom the prescriber is:

374.15 (i) prescribing or considering prescribing any controlled substance;

374.16 (ii) providing emergency medical treatment for which access to the data may be necessary;

374.17 (iii) providing care, and the prescriber has reason to believe, based on clinically valid  
374.18 indications, that the patient is potentially abusing a controlled substance; or

374.19 (iv) providing other medical treatment for which access to the data may be necessary  
374.20 for a clinically valid purpose and the patient has consented to access to the submitted data,  
374.21 and with the provision that the prescriber remains responsible for the use or misuse of data  
374.22 accessed by a delegated agent or employee;

374.23 (2) a dispenser or an agent or employee of the dispenser to whom the dispenser has  
374.24 delegated the task of accessing the data, to the extent the information relates specifically to  
374.25 a current patient to whom that dispenser is dispensing or considering dispensing any  
374.26 controlled substance and with the provision that the dispenser remains responsible for the  
374.27 use or misuse of data accessed by a delegated agent or employee;

374.28 (3) a licensed pharmacist who is providing pharmaceutical care for which access to the  
374.29 data may be necessary to the extent that the information relates specifically to a current  
374.30 patient for whom the pharmacist is providing pharmaceutical care: (i) if the patient has  
374.31 consented to access to the submitted data; or (ii) if the pharmacist is consulted by a prescriber  
374.32 who is requesting data in accordance with clause (1);

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375.2 data was submitted under subdivision 4, or a guardian of the individual, parent or guardian  
375.3 of a minor, or health care agent of the individual acting under a health care directive under  
375.4 chapter 145C;

375.5 (5) personnel or designees of a health-related licensing board listed in section 214.01,  
375.6 subdivision 2, or of the Emergency Medical Services Regulatory Board, assigned to conduct  
375.7 a bona fide investigation of a complaint received by that board that alleges that a specific  
375.8 licensee is impaired by use of a drug for which data is collected under subdivision 4, has  
375.9 engaged in activity that would constitute a crime as defined in section 152.025, or has  
375.10 engaged in the behavior specified in subdivision 5, paragraph (a);

375.11 (6) personnel of the board engaged in the collection, review, and analysis of controlled  
375.12 substance prescription information as part of the assigned duties and responsibilities under  
375.13 this section;

375.14 (7) authorized personnel of a vendor under contract with the state of Minnesota who are  
375.15 engaged in the design, implementation, operation, and maintenance of the prescription  
375.16 monitoring program as part of the assigned duties and responsibilities of their employment,  
375.17 provided that access to data is limited to the minimum amount necessary to carry out such

729.32 duties and responsibilities, and subject to the requirement of de-identification and time limit  
729.33 on retention of data specified in subdivision 5, paragraphs (d) and (e);

730.1 (8) federal, state, and local law enforcement authorities acting pursuant to a valid search  
730.2 warrant;

730.3 (9) personnel of the Minnesota health care programs assigned to use the data collected  
730.4 under this section to identify and manage recipients whose usage of controlled substances  
730.5 may warrant restriction to a single primary care provider, a single outpatient pharmacy, and  
730.6 a single hospital;

730.7 (10) personnel of the Department of Human Services assigned to access the data pursuant  
730.8 to paragraph (i);

730.9 (11) personnel of the health professionals services program established under section  
730.10 214.31, to the extent that the information relates specifically to an individual who is currently  
730.11 enrolled in and being monitored by the program, and the individual consents to access to  
730.12 that information. The health professionals services program personnel shall not provide this  
730.13 data to a health-related licensing board or the Emergency Medical Services Regulatory  
730.14 Board, except as permitted under section 214.33, subdivision 3.

730.15 For purposes of clause (4), access by an individual includes persons in the definition of  
730.16 an individual under section 13.02; and

730.17 (12) personnel or designees of a health-related licensing board listed in section 214.01,  
730.18 subdivision 2, assigned to conduct a bona fide investigation of a complaint received by that  
730.19 board that alleges that a specific licensee is inappropriately prescribing controlled substances  
730.20 as defined in this section.

730.21 (c) By July 1, 2017, every prescriber licensed by a health-related licensing board listed  
730.22 in section 214.01, subdivision 2, practicing within this state who is authorized to prescribe  
730.23 controlled substances for humans and who holds a current registration issued by the federal  
730.24 Drug Enforcement Administration, and every pharmacist licensed by the board and practicing  
730.25 within the state, shall register and maintain a user account with the prescription monitoring  
730.26 program. Data submitted by a prescriber, pharmacist, or their delegate during the registration  
730.27 application process, other than their name, license number, and license type, is classified  
730.28 as private pursuant to section 13.02, subdivision 12.

730.29 (d) Only permissible users identified in paragraph (b), clauses (1), (2), (3), (6), (7), (9),  
730.30 and (10), may directly access the data electronically. No other permissible users may directly  
730.31 access the data electronically. If the data is directly accessed electronically, the permissible  
730.32 user shall implement and maintain a comprehensive information security program that  
730.33 contains administrative, technical, and physical safeguards that are appropriate to the user's  
730.34 size and complexity, and the sensitivity of the personal information obtained. The permissible  
731.1 user shall identify reasonably foreseeable internal and external risks to the security,  
731.2 confidentiality, and integrity of personal information that could result in the unauthorized

375.18 duties and responsibilities, and subject to the requirement of de-identification and time limit  
375.19 on retention of data specified in subdivision 5, paragraphs (d) and (e);

375.20 (8) federal, state, and local law enforcement authorities acting pursuant to a valid search  
375.21 warrant;

375.22 (9) personnel of the Minnesota health care programs assigned to use the data collected  
375.23 under this section to identify and manage recipients whose usage of controlled substances  
375.24 may warrant restriction to a single primary care provider, a single outpatient pharmacy, and  
375.25 a single hospital;

375.26 (10) personnel of the Department of Human Services assigned to access the data pursuant  
375.27 to paragraph (i);

375.28 (11) personnel of the health professionals services program established under section  
375.29 214.31, to the extent that the information relates specifically to an individual who is currently  
375.30 enrolled in and being monitored by the program, and the individual consents to access to  
375.31 that information. The health professionals services program personnel shall not provide this  
375.32 data to a health-related licensing board or the Emergency Medical Services Regulatory  
375.33 Board, except as permitted under section 214.33, subdivision 3.

376.1 For purposes of clause (4), access by an individual includes persons in the definition of  
376.2 an individual under section 13.02; and

376.3 (12) personnel or designees of a health-related licensing board listed in section 214.01,  
376.4 subdivision 2, assigned to conduct a bona fide investigation of a complaint received by that  
376.5 board that alleges that a specific licensee is inappropriately prescribing controlled substances  
376.6 as defined in this section.

376.7 (c) By July 1, 2017, every prescriber licensed by a health-related licensing board listed  
376.8 in section 214.01, subdivision 2, practicing within this state who is authorized to prescribe  
376.9 controlled substances for humans and who holds a current registration issued by the federal  
376.10 Drug Enforcement Administration, and every pharmacist licensed by the board and practicing  
376.11 within the state, shall register and maintain a user account with the prescription monitoring  
376.12 program. Data submitted by a prescriber, pharmacist, or their delegate during the registration  
376.13 application process, other than their name, license number, and license type, is classified  
376.14 as private pursuant to section 13.02, subdivision 12.

376.15 (d) Only permissible users identified in paragraph (b), clauses (1), (2), (3), (6), (7), (9),  
376.16 and (10), may directly access the data electronically. No other permissible users may directly  
376.17 access the data electronically. If the data is directly accessed electronically, the permissible  
376.18 user shall implement and maintain a comprehensive information security program that  
376.19 contains administrative, technical, and physical safeguards that are appropriate to the user's  
376.20 size and complexity, and the sensitivity of the personal information obtained. The permissible  
376.21 user shall identify reasonably foreseeable internal and external risks to the security,  
376.22 confidentiality, and integrity of personal information that could result in the unauthorized

731.3 disclosure, misuse, or other compromise of the information and assess the sufficiency of  
731.4 any safeguards in place to control the risks.

731.5 (e) The board shall not release data submitted under subdivision 4 unless it is provided  
731.6 with evidence, satisfactory to the board, that the person requesting the information is entitled  
731.7 to receive the data.

731.8 (f) The board shall maintain a log of all persons who access the data for a period of at  
731.9 least three years and shall ensure that any permissible user complies with paragraph ~~(e)~~ (d)  
731.10 prior to attaining direct access to the data.

731.11 (g) Section 13.05, subdivision 6, shall apply to any contract the board enters into pursuant  
731.12 to subdivision 2. A vendor shall not use data collected under this section for any purpose  
731.13 not specified in this section.

731.14 (h) The board may participate in an interstate prescription monitoring program data  
731.15 exchange system provided that permissible users in other states have access to the data only  
731.16 as allowed under this section, and that section 13.05, subdivision 6, applies to any contract  
731.17 or memorandum of understanding that the board enters into under this paragraph.

731.18 (i) With available appropriations, the commissioner of human services shall establish  
731.19 and implement a system through which the Department of Human Services shall routinely  
731.20 access the data for the purpose of determining whether any client enrolled in an opioid  
731.21 treatment program licensed according to chapter 245A has been prescribed or dispensed a  
731.22 controlled substance in addition to that administered or dispensed by the opioid treatment  
731.23 program. When the commissioner determines there have been multiple prescribers or multiple  
731.24 prescriptions of controlled substances, the commissioner shall:

731.25 (1) inform the medical director of the opioid treatment program only that the  
731.26 commissioner determined the existence of multiple prescribers or multiple prescriptions of  
731.27 controlled substances; and

731.28 (2) direct the medical director of the opioid treatment program to access the data directly,  
731.29 review the effect of the multiple prescribers or multiple prescriptions, and document the  
731.30 review.

731.31 If determined necessary, the commissioner of human services shall seek a federal waiver  
731.32 of, or exception to, any applicable provision of Code of Federal Regulations, title 42, section  
731.33 2.34, paragraph (c), prior to implementing this paragraph.

732.1 (j) The board shall review the data submitted under subdivision 4 on at least a quarterly  
732.2 basis and shall establish criteria, in consultation with the advisory task force, for referring  
732.3 information about a patient to prescribers and dispensers who prescribed or dispensed the  
732.4 prescriptions in question if the criteria are met.

732.5 (k) The board shall conduct periodic audits, on at least an annual basis, of electronic  
732.6 access by permissible users, as identified in paragraph (b), clauses (1), (2), (3), (6), (7), (9),  
732.7 and (10), and of nonelectronic access by permissible users, as identified in paragraph (b).

376.23 disclosure, misuse, or other compromise of the information and assess the sufficiency of  
376.24 any safeguards in place to control the risks.

376.25 (e) The board shall not release data submitted under subdivision 4 unless it is provided  
376.26 with evidence, satisfactory to the board, that the person requesting the information is entitled  
376.27 to receive the data.

376.28 (f) The board shall maintain a log of all persons who access the data for a period of at  
376.29 least three years and shall ensure that any permissible user complies with paragraph ~~(e)~~ (d)  
376.30 prior to attaining direct access to the data.

376.31 (g) Section 13.05, subdivision 6, shall apply to any contract the board enters into pursuant  
376.32 to subdivision 2. A vendor shall not use data collected under this section for any purpose  
376.33 not specified in this section.

377.1 (h) The board may participate in an interstate prescription monitoring program data  
377.2 exchange system provided that permissible users in other states have access to the data only  
377.3 as allowed under this section, and that section 13.05, subdivision 6, applies to any contract  
377.4 or memorandum of understanding that the board enters into under this paragraph.

377.5 (i) With available appropriations, the commissioner of human services shall establish  
377.6 and implement a system through which the Department of Human Services shall routinely  
377.7 access the data for the purpose of determining whether any client enrolled in an opioid  
377.8 treatment program licensed according to chapter 245A has been prescribed or dispensed a  
377.9 controlled substance in addition to that administered or dispensed by the opioid treatment  
377.10 program. When the commissioner determines there have been multiple prescribers or multiple  
377.11 prescriptions of controlled substances, the commissioner shall:

377.12 (1) inform the medical director of the opioid treatment program only that the  
377.13 commissioner determined the existence of multiple prescribers or multiple prescriptions of  
377.14 controlled substances; and

377.15 (2) direct the medical director of the opioid treatment program to access the data directly,  
377.16 review the effect of the multiple prescribers or multiple prescriptions, and document the  
377.17 review.

377.18 If determined necessary, the commissioner of human services shall seek a federal waiver  
377.19 of, or exception to, any applicable provision of Code of Federal Regulations, title 42, section  
377.20 2.34, paragraph (c), prior to implementing this paragraph.

377.21 (j) The board shall review the data submitted under subdivision 4 on at least a quarterly  
377.22 basis and shall establish criteria, in consultation with the advisory task force, for referring  
377.23 information about a patient to prescribers and dispensers who prescribed or dispensed the  
377.24 prescriptions in question if the criteria are met.

377.25 (k) The board shall conduct random audits, on at least a quarterly basis, of electronic  
377.26 access by permissible users, as identified in paragraph (b), clauses (1), (2), (3), (6), (7), (9),  
377.27 and (10), to the data in subdivision 4, to ensure compliance with permissible use as defined

732.8 clauses (4), (5), (8), (11), and (12), to the data in subdivision 4, to ensure compliance with  
732.9 permissible use as defined in this section. A permissible user whose account has been  
732.10 selected for audit shall respond to an inquiry by the board, no later than 30 days after receipt  
732.11 of notice that an audit is being conducted. Failure to respond may result in deactivation of  
732.12 access to the data in subdivision 4, and referral to the relevant health licensing board, the  
732.13 commissioner of human services, or other appropriate entity. The board shall report the  
732.14 results of periodic audits to the chairs and ranking minority members of the legislative  
732.15 committees with jurisdiction over health and human services policy and finance and  
732.16 government data practices.

732.17 (l) A permissible user who has delegated the task of accessing the data in subdivision 4  
732.18 to an agent or employee shall audit the use of the electronic system by delegated agents or  
732.19 employees on at least a quarterly basis to ensure compliance with permissible use as defined  
732.20 in this section. When a delegated agent or employee has been identified as inappropriately  
732.21 accessing data, the permissible user must immediately remove access for that individual  
732.22 and notify the board within seven days. The board shall notify all permissible users associated  
732.23 with the delegated agent or employee of the alleged violation.

732.24 (m) A permissible user who delegates access to the data submitted under subdivision 4  
732.25 to an agent or employee shall terminate that individual's access to the data, within three  
732.26 business days of the agent or employee leaving employment with the permissible user. The  
732.27 board may conduct random audits to determine compliance with this requirement.

732.28 Sec. 48. Minnesota Statutes 2018, section 152.126, subdivision 7, is amended to read:

732.29 Subd. 7. **Disciplinary action.** (a) A dispenser who knowingly fails to submit data to the  
732.30 board as required under this section is subject to disciplinary action by the appropriate  
732.31 health-related licensing board.

732.32 (b) A prescriber or dispenser authorized to access the data who knowingly discloses the  
732.33 data in violation of state or federal laws relating to the privacy of health care data shall be  
733.1 subject to disciplinary action by the appropriate health-related licensing board, and  
733.2 appropriate civil penalties.

733.3 (c) A prescriber or dispenser authorized to access the data who fails to comply with  
733.4 subdivision 6, paragraph (l) or (m), shall be subject to disciplinary action by the appropriate  
733.5 health-related licensing board.

733.6 Sec. 49. Minnesota Statutes 2018, section 152.126, is amended by adding a subdivision  
733.7 to read:

733.8 Subd. 10a. **Patient information on record access.** A patient who has been prescribed  
733.9 a controlled substance may access the prescription monitoring program database in order  
733.10 to obtain information on access by permissible users to the patient's data record, including  
733.11 the name and organizational affiliation of the permissible user and the date of access. In  
733.12 order to obtain this information, the patient must complete, notarize, and submit a request

377.28 in this section. A permissible user whose account has been selected for a random audit shall  
377.29 respond to an inquiry by the board, no later than 30 days after receipt of notice that an audit  
377.30 is being conducted. Failure to respond may result in deactivation of access to the electronic  
377.31 system and referral to the appropriate health licensing board, or the commissioner of human  
377.32 services, for further action.

377.33 (l) A permissible user who has delegated the task of accessing the data in subdivision 4  
377.34 to an agent or employee shall audit the use of the electronic system by delegated agents or  
378.1 employees on at least a quarterly basis to ensure compliance with permissible use as defined  
378.2 in this section. When a delegated agent or employee has been identified as inappropriately  
378.3 accessing data, the permissible user must immediately remove access for that individual  
378.4 and notify the board within seven days. The board shall notify all permissible users associated  
378.5 with the delegated agent or employee of the alleged violation.

733.13 form developed by the board. The board shall make this form available to the public on the  
733.14 board's website.

FOR SECTION 16, SEE ARTICLE 10 SIDE BY SIDE

378.17 Sec. 17. **GUIDELINES AUTHORIZING PATIENT-ASSISTED MEDICATION**  
378.18 **ADMINISTRATION IN EMERGENCIES.**

378.19 (a) Within the limits of the board's available appropriation, the Emergency Medical  
378.20 Services Regulatory Board shall propose guidelines authorizing EMTs, AEMTs, and  
378.21 paramedics certified under Minnesota Statutes, section 144E.28, to assist a patient in  
378.22 emergency situations with administering prescription medications that are:

378.23 (1) carried by a patient;

378.24 (2) intended to treat adrenal insufficiency or other rare conditions that require emergency  
378.25 treatment with a previously prescribed medication;

378.26 (3) intended to treat a specific life-threatening condition; and

378.27 (4) administered via routes of delivery that are within the scope of training of the EMT,  
378.28 AEMT, or paramedic.

378.29 (b) The Emergency Medical Services Regulatory Board shall submit the proposed  
378.30 guidelines and draft legislation as necessary to the chairs and ranking minority members of  
378.31 the legislative committees with jurisdiction over health care by January 1, 2020.

379.1 **EFFECTIVE DATE.** This section is effective the day following final enactment.

733.15 Sec. 50. **REPEALER.**

733.16 (a) Minnesota Statutes 2018, sections 151.42; 151.44; 151.49; 151.50; 151.51; and  
733.17 151.55, are repealed.

733.18 (b) Minnesota Rules, parts 6400.6970; 7200.6100; and 7200.6105, are repealed.

733.19 **EFFECTIVE DATE.** This section is effective the day following final enactment.