

CHAPTER 6800
MINNESOTA BOARD OF PHARMACY
PHARMACISTS' LICENSING AND OPERATION

DISPENSING AND DISTRIBUTION OF
 LEGEND MEDICAL GASES
 6800.9920 DISPENSING AND DISTRIBUTION
 OF LEGEND MEDICAL GASES

6800.9921 REGISTRATION
 6800.9922 RESTRICTED SALES
 6800.9923 LABELING
 6800.9924 RECORDS

DISPENSING AND DISTRIBUTION OF LEGEND MEDICAL GASES

6800.9920 DISPENSING AND DISTRIBUTION OF LEGEND MEDICAL GASES.

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

Statutory Authority: *MS s 151.06 subd 1; 151.19 subd 3*

History: *14 SR 617*

6800.9921 REGISTRATION.

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

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

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

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

Statutory Authority: *MS s 151.06 subd 1; 151.19 subd 3*

History: *14 SR 617*

6800.9922 RESTRICTED SALES.

No person or establishment shall sell or distribute legend medical gases at retail to anyone other than:

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

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

Statutory Authority: *MS s 151.06 subd 1; 151.19 subd 3*

History: *14 SR 617*

6800.9923 LABELING.

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

Statutory Authority: *MS s 151.06 subd 1; 151.19 subd 3*

History: *14 SR 617*

6800.9924 RECORDS.

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

Statutory Authority: *MS s 151.06 subd 1; 151.19 subd 3*

History: *14 SR 617*