



MINNESOTA BOARD OF PHARMACY

**List any rules or portions of
rules that are obsolete,
unnecessary, or duplicative
of other state or federal
statutes or rules.
(In compliance with
Minnesota Statutes Section
14.05, Subd. 5)
(Obsolete Rules Report)**

*Cody Wiberg, Pharm.D.,
M.S., R.Ph.*

*Executive Director
Minnesota Board of
Pharmacy*

*2829 University Avenue
SE #530
Minneapolis, MN 55414*

*(651)201-2825
(651)201-2837 (fax)*

cody.wiberg@state.mn.us

December 10, 2014

COST OF REPORT

[Minnesota Statutes §3.197](#) states that a “report to the legislature must contain, at the beginning of the report, the cost of preparing the report, including any costs incurred by another agency or another level of government”. The estimated cost of preparing this report was **\$150.00**. That is the approximate value, in terms of salary and benefits, of the time that Board staff spent on preparing the report.

(The rest of this page is intentionally blank).

Obsolete Rules Report

MN Stats. §14.05, subd. 5 states: "By December 1 of each year, an agency must submit to the governor, the Legislative Coordinating Commission, the policy and funding committees and divisions with jurisdiction over the agency, and the revisor of statutes, a list of any rules or portions of rules that are obsolete, unnecessary, or duplicative of other state or federal statutes or rules." This report is being submitted for calendar year 2014. It was reviewed and approved by the Board at its December 10, 2014 meeting.

The Board of Pharmacy regulates both the profession of pharmacy and the distribution of drugs into and within the state of Minnesota. It licenses pharmacists, pharmacies, drug manufacturers and drug wholesale distributors. It registers pharmacy interns and technicians, medical gas distributors and controlled substance researchers. The Legislature has also empowered the Board to make certain changes to the states schedules of controlled substances. The Board has promulgated the rules found in Minnesota Rules Chapter 6800 in order to appropriately exercise its regulatory authority over these complex professions and industries. The Board strives to protect the health of the public while minimizing regulatory burdens on its licensees and registrants. To that end, the Board often relies on standards established by agencies of the federal government or by professional accrediting and standard-setting organizations.

The Board continuously assesses its rules to determine if any are "obsolete, unnecessary or duplicative of other state or federal statutes or rules". According to the Merriam-Webster Dictionary, one meaning of the word "obsolete" is "no longer in use or no longer useful". It is very rare for any of the Board's rules to be, in their entirety, "no longer useful." However, the Board does routinely update its rules to account for changes in: pharmacy practice, professional standards, technology, Minnesota Statutes, and federal statutes and regulations. The Board adopted extensive, general rule changes in 2007 and 2011.

At this time, none of the rule parts found in Chapter 6800 of Minnesota Rules are obsolete in the sense of being "no longer in use or no longer useful". Nor are any of the rule parts administered by the Board unnecessary. Most of the Board's rules are not duplicative of other state or federal statutes or regulations. The one exception involves those rule parts that list the state's controlled substance schedules. (MN Rules Parts 6800.4210 - 6800.4250). Both Minnesota Statutes and federal rules also contain schedules of controlled substances. However, MN Stats. 152.02, subd. 7, 8, 8b, 9 and 12 empower the Board to engage in the rule-making process to make certain changes to the state's controlled substance schedules. Subdivision 12 is titled "Coordination of controlled substance regulation with federal law and state statute" and contains instructions to the Board for the coordination of the controlled substance schedules found in the Board's rules with the schedules that are found in federal regulations and Minnesota Statutes.

In summary, none of the rule parts found in Minnesota Rules Chapter 6800 are obsolete or unnecessary. The parts that list the state's controlled substance schedules are partially duplicative of sections of Minnesota Statutes and the Code of Federal Regulations. However, MN Stats. §152.02, subds. 7, 8, 8b, 9 and 12 actually empower the Board to engage in rule-making to modify the schedules and to coordinate them with the schedules found in the state's statutes and the federal regulations.