



U.S. Customs and
Border Protection

APR 12 2012

N210127

CLA-2-94:OT:RR:NC:N4:433

CATEGORY: Classification

TARIFF NO.: 9402.90.0020

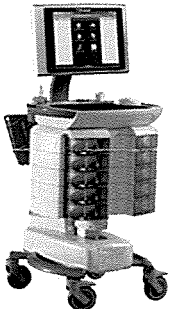
George R. Tuttle, III
Attorney
Tuttle Law Offices
One Embarcadero Center, Suite 730
San Francisco, CA 94111

RE: The tariff classification of a mobile medication cabinet from China.

Dear Mr. Tuttle:

In your letter dated March 16, 2012, on behalf of Omnicell Inc., you requested a tariff classification ruling.

The merchandise concerned has been identified as the Omnicell's, Savvy™ (Savvy) Mobile Medication Cabinet. Per Omnicell, the following general specifications are provided; (1) the base dimensions are 16-inches by 16-inches; the works surface area dimensions are 17-inches long by 12-inches wide; the work surface height dimensions range from 33-inches to 45-inches; and the device height dimensions are between 52-inches to 64-inches (includes the monitor). This mobile medication cabinet is constructed from cast aluminum and plastic injection; has a powder coated finish; and has four swivel casters, of which two casters have locking mechanisms.



It is said on Omnicell's website that "the Savvy mobile medication system should not be confused with ordinary hospital medication carts. Savvy streamlines the medication administration process and provides safe and secure transportation of medications from the automated dispensing cabinet (ADC) to the patient's bedside." Nurses can use the Savvy mobile medication system, which integrates Omnicell's, Anywhere RN software, to request, retrieve, and deliver all of their patients' medications during a single medication pass to the cabinet without compromising on security. "Unlike generic hospital medication carts, Savvy doubles as a remote work station, ensuring speed, security and convenience." Nurses can place all needed medications within individual, patient-assigned locking drawers, while moving from room to room, rather than returning to the ADC between each patient.

The Savvy Mobile Medication Cabinet is part of a larger automated medication dispensing system, which includes one or more ADCs in a modular configuration; a dedicated computer contained within each ADC; and at the heart of the system, a G4 medication dispensing platform, on an OmniCenter® 16.0 centralized server. Anywhere RN "is a web-based application, designed specifically for nurses, that lets them remotely access the Omnicell cabinet from any computer or workstation in the patient care area, including the mobile carts." The computer allows for the electronic locking and unlocking of the drawers within the ADC. All of the medications and storage locations of patients are recorded at the ADC into the centralized server database, and transactions that add or remove medications are also recorded at the ADC and into the centralized database. From the ADC, the nurse user selects the specific patient, the computer send the signal to unlock the drawer, the nurse user opens the drawer, the required medication is manually take out, and then it is delivered to the patient by the nurse. Omnicell states: Our award-winning OmniRx® G4 automated medication dispensing cabinets are the core of our complete system for efficiently managing, storing, and dispensing medications throughout the healthcare facility.

When interpreting and implementing the Harmonized Tariff Schedule of the United States (HTSUS), the Explanatory Notes (ENs) of the Harmonized Commodity Description and Coding System may be utilized. The ENs, while neither legally binding nor dispositive, provide a guiding commentary on the scope of each heading, and are generally indicative of the proper interpretation of the HTSUS. CBP believes the ENs should always be consulted. See T.D. 89-80, 54 Fed. Reg. 35127, 35128 (August 23, 1989).

Chapter 94 of the HTSUS provides for furniture, among other articles. Legal Note 2 to Chapter 94 of the HTSUS, states in relevant part that articles (other than parts) referred to in headings 9401 to 9403 are to be classified in those headings only if they are designed for placing on the floor or ground. The ENs to Chapter 94, HTSUS, General, state, in part, with regard to the meaning of furniture, at (A): For the purposes of this Chapter, the term "furniture" means: Any "movable" articles (not included under other more specific headings of the Nomenclature), which have the essential characteristic that they are constructed for placing on the floor or ground, and which are used, mainly with a utilitarian purpose, to equip private dwellings, hotels, theatres, cinemas, offices, churches, schools, cafes, restaurants, laboratories, hospitals....

Further, the ENs to heading 9402 (Medical, surgical, dental or veterinary furniture...), provide, although not all inclusive, a list of exemplars of goods falling within its provision. Exemplar number 11 includes goods such as: small tables, tables-cupboards and the like, whether or not on

wheels (trolleys), of a type specifically designed for instruments or bandages, medical or surgical supplies or anaesthetic equipment; instrument sterilising trolleys; special disinfection wash-basins, self-opening sterile dressing boxes (generally on wheels), and waste bins for soiled dressings (whether or not on wheels); bottle-holders, irrigator or douche carriers and the like, whether or not on pivoting castors; special instruments or dressing cabinets and cases.

As no other headings of the tariff schedule are more specific in classifying the Mobile Medication Cabinet and the Mobile Medication Cabinet falls within the list of exemplars, specifically number 11, per the ENs to heading 9402, we are of the opinion that the merchandise concerned falls within the meaning of furniture of Chapter 94, HTSUS. As such, the Savvy Mobile Medication Cabinet is classified in heading 9402 – the provision in part for medical, surgical, dental or veterinary furniture.

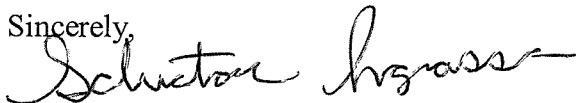
The applicable subheading for the Savvy Mobile Medication Cabinet, will be 9402.90.0020, Harmonized Tariff Schedule of the United States (HTSUS), which provides for “Medical, surgical, dental or veterinary furniture....: Other; Other.” The rate of duty will be free.

Duty rates are provided for your convenience and are subject to change. The text of the most recent HTSUS and the accompanying duty rates are provided on World Wide Web at <http://www.usitc.gov/tata/hts/>.

This ruling is being issued under the provisions of Part 177 of the Customs Regulations (19 C.F.R. 177).

A copy of the ruling or the control number indicated above should be provided with the entry documents filed at the time this merchandise is imported. If you have any questions regarding the ruling, contact National Import Specialist Neil H. Levy at (646) 733-3036.

Sincerely,



For

Thomas J. Russo

Director

National Commodity Specialist Division