

SENATE
STATE OF MINNESOTA
NINETY-FIRST SESSION

S.F. No. 1195

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DATE
02/14/2019

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Introduction and first reading
 Referred to Health and Human Services Finance and Policy

OFFICIAL STATUS

1.1 A bill for an act
 1.2 relating to health; establishing requirements for counterfeit drug investigations;
 1.3 amending Minnesota Statutes 2018, section 151.37, by adding a subdivision.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. Minnesota Statutes 2018, section 151.37, is amended by adding a subdivision
 1.6 to read:

1.7 Subd. 14. **Investigation of counterfeit drugs.** (a) For purposes of this subdivision,
 1.8 "investigator" means a person who is engaged in an investigation of the counterfeit drug
 1.9 trade.

1.10 (b) An agent of the board, or a person employed or retained as an investigator by a
 1.11 pharmaceutical manufacturer or practitioner, may seek to have a legend drug dispensed by
 1.12 a pharmacy, or any entity claiming to be a pharmacy, for the purpose of determining whether
 1.13 a legend drug has been counterfeited, adulterated, or misbranded. An investigator may do
 1.14 so by submitting a prescription drug order to the pharmacy or entity. If an entity offers to
 1.15 sell drugs without a prescription, the investigator may purchase the drug without a
 1.16 prescription drug order.

1.17 (c) A drug dispensed or sold to an agent of the board or an investigator pursuant to this
 1.18 subdivision is an investigative drug sample and may only be used for testing or as evidence
 1.19 in a civil or criminal action, and may not be resold or used for human consumption.

1.20 (d) A pharmaceutical manufacturer that collects investigative drug samples during an
 1.21 investigation of counterfeit drugs must:

1.22 (1) maintain records of the drug samples; and

2.1 (2) make the records available to an agent of the board or to any federal, state, county,
2.2 or municipal officer whose duty it is to enforce the laws of this state or the United States
2.3 relating to drugs and who is engaged in a specific investigation involving a designated
2.4 person or drug.

2.5 (e) If an investigator determines that a drug obtained pursuant to this subdivision is
2.6 counterfeit, the investigator must report the counterfeit drug to the board.