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State of Minnesota HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. **688**

02/04/2019 Authored by Bahner, Liebling, Mann, Klevorn, Carlson, L., and others
The bill was read for the first time and referred to the Committee on Commerce

1.1 A bill for an act
1.2 relating to health; allowing pharmacists to provide a drug refill without a
1.3 prescription; requiring insurance coverage; authorizing rulemaking; proposing
1.4 coding for new law in Minnesota Statutes, chapters 62Q; 151.

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

1.6 Section 1. **[62Q.528] DRUG COVERAGE IN EMERGENCY SITUATIONS.**

1.7 A health plan that provides prescription drug coverage must provide coverage for a
1.8 prescription drug dispensed by a pharmacist under section 151.221, under the terms of
1.9 coverage that would apply had the prescription drug been dispensed according to a
1.10 prescription.

1.11 **EFFECTIVE DATE.** This section is effective on January 1 of the first calendar year
1.12 following the date of adoption of the rules required by Minnesota Statutes, section 151.222,
1.13 or 90 days following the date of adoption of the rules, whichever is later, and applies to
1.14 health plans offered, issued, or renewed on or after that date.

1.15 Sec. 2. **[151.221] REFILLS WITHOUT VALID PRESCRIPTION.**

1.16 (a) In accordance with the rules adopted by the board under section 151.222, a pharmacist
1.17 may dispense or sell a legend drug without a prescription drug order from a licensed
1.18 practitioner if all of the following conditions are met:

1.19 (1) the patient has been on a consistent drug therapy as demonstrated by records
1.20 maintained by the pharmacy;

(2) the pharmacy at which the pharmacist works has a record of the prescription drug order for the drug in the name of the patient who is requesting it, but the prescription does not provide for a refill or the time for providing refills has elapsed;

(3) the pharmacist is unable to contact the practitioner who issued the prescription drug order or another practitioner responsible for the patient's care to obtain authorization to refill the prescription;

(4) the drug is essential to sustain the life of the patient or to continue therapy for a chronic condition; and

(5) failure to dispense or sell the drug to the patient would result in harm to the health of the patient.

(b) If the conditions in paragraph (a) are met, the amount of the drug dispensed or sold by the pharmacist to the patient must not exceed a 30-day supply as provided in the prescription or, if the standard unit of dispensing for the drug exceeds a 30-day supply, the amount of the drug dispensed or sold must not exceed the standard unit of dispensing.

(c) A pharmacist shall not dispense or sell the same drug to the same patient as provided in this section more than one time in any 12-month period.

(d) A pharmacist must notify the practitioner who issued the prescription drug order not later than 72 hours after the drug is sold or dispensed.

(e) The record of a drug sold or dispensed under this section shall be maintained in the same manner required for prescription drug orders under section 151.211.

EFFECTIVE DATE. This section is effective 30 days following adoption of the rules required by Minnesota Statutes, section 151.222.

Sec. 3. [151.222] RULES; REFILLS WITHOUT A VALID PRESCRIPTION.

The board, in consultation with the Minnesota Board of Medical Practice, the Minnesota Board of Nursing, and the commissioner of the Minnesota Department of Health, shall adopt rules to establish the types of drugs approved for a pharmacist to dispense under section 151.221. The board may establish additional record keeping and reporting requirements in order to monitor the types and numbers of prescriptions dispensed under section 151.221.

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