

State of Minnesota

H. F. No. 923

02/11/2019      Authored by Howard  
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 care; providing for emergency prescription refills; amending

1.3 Minnesota Statutes 2018, sections 151.01, subdivision 23; 151.211, by adding a

1.4 subdivision.

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

1.6 Section 1. Minnesota Statutes 2018, section 151.01, subdivision 23, is amended to read:

1.7 Subd. 23. **Practitioner.** "Practitioner" means a licensed doctor of medicine, licensed

1.8 doctor of osteopathic medicine duly licensed to practice medicine, licensed doctor of

1.9 dentistry, licensed doctor of optometry, licensed podiatrist, licensed veterinarian, or licensed

1.10 advanced practice registered nurse. For purposes of sections 151.15, subdivision 4; 151.252,

1.11 subdivision 3; 151.37, subdivision 2, paragraphs (b), (e), and (f); and 151.461, "practitioner"

1.12 also means a physician assistant authorized to prescribe, dispense, and administer under

1.13 chapter 147A. For purposes of sections 151.15, subdivision 4; 151.211, subdivision 3;

1.14 151.252, subdivision 3; 151.37, subdivision 2, paragraph (b); and 151.461, "practitioner"

1.15 also means a dental therapist authorized to dispense and administer under chapter 150A.

1.16 Sec. 2. Minnesota Statutes 2018, section 151.211, is amended by adding a subdivision to

1.17 read:

1.18 Subd. 3. **Emergency prescription refills.** (a) Notwithstanding subdivision 2, a pharmacist

1.19 may dispense a prescription drug, other than a Schedule II controlled substance, without a

1.20 written, electronic, or oral prescription order from a practitioner, if all of the following

1.21 conditions are met:

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

2.3 (2) the pharmacy at which the pharmacist works has a record of the prescription for the  
2.4 drug in the name of the patient who is requesting it, but the prescription does not provide  
2.5 for a refill or the time permitted for providing refills has elapsed and the prescriber has not  
2.6 indicated that no refills are authorized;

2.7 (3) the pharmacist is unable to obtain authorization to refill the prescription from the  
2.8 practitioner who issued the prescription or another practitioner responsible for the patient's  
2.9 care; and

2.10 (4) in the exercise of the pharmacist's professional judgment:

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

2.13 (ii) failure to dispense the drug to the patient could result in harm to the health of the  
2.14 patient.

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

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

2.21 (d) A pharmacist must notify the practitioner who issued the prescription drug order no  
2.22 later than 72 hours after the drug is dispensed.

2.23 (e) A record of the drug dispensed under this section shall be maintained in the same  
2.24 manner required for prescription drug orders under this section.