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State of Minnesota

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HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 149

- 01/17/2019 Authored by Bahner, Liebling, Hornstein, Morrison, Mann and others  
The bill was read for the first time and referred to the Committee on Health and Human Services Policy
- 02/25/2019 Adoption of Report: Amended and re-referred to the Committee on Commerce
- 03/04/2019 Adoption of Report: Placed on the General Register as Amended  
Read for the Second Time
- 05/20/2019 Pursuant to Rule 4.20, returned to the Committee on Commerce

1.1 A bill for an act

1.2 relating to health care; prohibiting a health plan company from contractually

1.3 preventing a pharmacist from informing a patient of a price differential; amending

1.4 Minnesota Statutes 2018, section 151.214.

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

1.6 Section 1. Minnesota Statutes 2018, section 151.214, is amended to read:

1.7 **151.214 PAYMENT DISCLOSURE.**

1.8 Subdivision 1. **Explanation of pharmacy benefits.** A pharmacist licensed under this

1.9 chapter must provide to a patient, for each prescription dispensed where part or all of the

1.10 cost of the prescription is being paid or reimbursed by an employer-sponsored plan or health

1.11 plan company, or its contracted pharmacy benefit manager, the patient's co-payment amount

1.12 ~~and~~<sub>2</sub> the pharmacy's own usual and customary price of the prescription ~~or~~<sub>2</sub> and the amount

1.13 ~~the pharmacy will be paid for the prescription drug~~ the initial adjudicated claim states the

1.14 pharmacy will be paid by the patient's employer-sponsored plan or health plan company,

1.15 or its contracted pharmacy benefit manager. During the initial adjudication of the claim,

1.16 the patient's employer-sponsored plan or health plan company, or its contracted pharmacy

1.17 benefit manager, must provide the pharmacy with the data the pharmacy needs to comply

1.18 with this section.

1.19 Subd. 2. **No prohibition on disclosure.** No contracting agreement between an

1.20 employer-sponsored health plan or health plan company, or its contracted pharmacy benefit

1.21 manager, and a resident or nonresident pharmacy ~~registered~~ licensed under this chapter,

1.22 may prohibit ~~the~~<sub>2</sub>

2.1 (1) a pharmacy from disclosing to patients information a pharmacy is required or given  
2.2 the option to provide under subdivision 1; or

2.3 (2) a pharmacist from informing a patient when the amount the patient is required to  
2.4 pay under the patient's health plan for a particular drug is greater than the amount the patient  
2.5 would be required to pay for the same drug if purchased out-of-pocket at the pharmacy's  
2.6 usual and customary price.