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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 2099

03/07/2019 Authored by Brand, Sauke, Mann, Lippert, Morrison 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; requiring prompt filling of prescriptions for specialty drugs by
1.3 mail order pharmacies; proposing coding for new law in Minnesota Statutes,
1.4 chapter 62Q.

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

1.6 Section 1. 62Q.83 PRESCRIPTIONS FOR SPECIALTY DRUGS.

1.7 Subdivision 1. Definitions. (a) For purposes of this section, the following terms have
1.8 the meaning given them.

1.9 (b) "Health plan company" has the meaning given in section 62Q.01, subdivision 4, but
1.10 also includes a county-based purchasing plan participating in a public program under chapter
1.11 256B or 256L, and in integrated health partnership under section 256B.0755.

1.12 (c) "Mail order pharmacy" means a pharmacy whose primary business is to receive
1.13 prescriptions by mail, fax, or through electronic submissions, dispense prescription drugs
1.14 to enrollees through the use of United States mail or other common carrier services, and
1.15 provide consultation with patients by telephone or electronically rather than face-to-face.

1.16 (d) "Pharmacy benefit manager" has the meaning provided in section 151.71, subdivision
1.17 1, paragraph (c).

1.18 (e) "Retail pharmacy" means a chain pharmacy, a supermarket pharmacy, an independent
1.19 pharmacy, or a network of independent pharmacies, licensed under chapter 151, that
1.20 dispenses prescription drugs to the public.

1.21 (f) "Specialty drug" means a prescription drug that:

2.1 (1) is not routinely made available to enrollees of a health plan company or its contracted
2.2 pharmacy benefit manager through dispensing by a retail pharmacy, regardless if the drug
2.3 is meant to be self-administered;

2.4 (2) must usually be obtained from specialty or mail order pharmacies; and

2.5 (3) has special storage, handling, or distribution requirements that typically cannot be
2.6 met by a retail pharmacy.

2.7 Subd. 2. **Prompt filling of specialty drug prescriptions.** A health plan company or its
2.8 contracted pharmacy benefit manager that requires or provides financial incentives for
2.9 enrollees to use a mail order pharmacy to fill a prescription for a specialty drug must ensure
2.10 through contract and other means that the mail order pharmacy dispenses the prescription
2.11 drug to the enrollee in a timely manner, such that the enrollee receives the filled prescription
2.12 within five business days of the date of transmittal to the mail order pharmacy. The health
2.13 plan company or contracted pharmacy benefit manager may grant an exemption from this
2.14 requirement if the mail order pharmacy can document that the specialty drug was out of
2.15 stock due to a delay in shipment by the specialty drug manufacturer or prescription drug
2.16 wholesaler. If an exemption is granted, the health plan company or pharmacy benefit manager
2.17 shall notify the enrollee within 24 hours of granting the exemption and, if medically
2.18 necessary, shall provide the enrollee with an emergency supply of the specialty drug.

2.19 **EFFECTIVE DATE.** This section is effective January 1, 2020, and applies to health
2.20 plans offered, issued, or renewed on or after that date.