

1.1 A bill for an act

1.2 relating to health; prohibiting pharmacists from substituting epilepsy drugs
1.3 without prior consent and notification; proposing coding for new law in
1.4 Minnesota Statutes, chapter 151.

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

1.6 Section 1. **[151.2101] ANTIEPILEPTIC DRUG SUBSTITUTION PROHIBITED.**

1.7 Subdivision 1. Definitions. For the purposes of this section, the following
1.8 definitions apply.

1.9 (a) "Antiepileptic drug" means any drug, formulation of a drug, or therapeutic drug
1.10 product prescribed for the treatment of epilepsy or for the treatment or prevention of
1.11 seizures.

1.12 (b) "Epilepsy" means a neurological condition characterized by recurrent seizures.

1.13 (c) "Seizure" means an acute clinical change secondary to a brief disturbance in
1.14 the electrical activity of the brain.

1.15 Subd. 2. Substitution prohibited. (a) A pharmacist shall not substitute an
1.16 antiepileptic drug for the prescribed antiepileptic drug without:

1.17 (1) prior consent from the patient or the patient's parent, legal guardian, or spouse;
1.18 and

1.19 (2) notifying the prescribing physician within ten days of the substitution, if the
1.20 pharmacist knows or has reason to know that the patient has, for the prior 60 days, used
1.21 the antiepileptic drug being replaced by the substitution.

1.22 (b) For the purposes of this section, prohibited substitutions include substituting:

1.23 (1) a brand antiepileptic drug for the prescribed brand antiepileptic drug;

1.24 (2) a generic antiepileptic drug for the prescribed brand antiepileptic drug;

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2.1 (3) a brand antiepileptic drug for the prescribed generic antiepileptic drug; and

2.2 (4) a generic antiepileptic drug by one manufacturer for a generic antiepileptic

2.3 drug of a different manufacturer.

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