

**SENATE
STATE OF MINNESOTA
NINETY-FIRST SESSION**

S.F. No. 1371

(SENATE AUTHORS: MARTY, Klein, Eaton, Hayden and Wiklund)

DATE	D-PG	OFFICIAL STATUS
02/18/2019	424	Introduction and first reading Referred to Health and Human Services Finance and Policy

1.1 A bill for an act

1.2 relating to health care; prohibiting gifts to practitioners from opiate drug

1.3 manufacturers and wholesale drug distributors; amending Minnesota Statutes 2018,

1.4 section 151.461.

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

1.6 Section 1. Minnesota Statutes 2018, section 151.461, is amended to read:

1.7 **151.461 GIFTS TO PRACTITIONERS PROHIBITED.**

1.8 (a) It is unlawful for any manufacturer or wholesale drug distributor, or any agent thereof,

1.9 to offer or give any gift of value to a practitioner. A medical device manufacturer that

1.10 distributes drugs as an incidental part of its device business shall not be considered a

1.11 manufacturer, a wholesale drug distributor, or agent under this section.

1.12 ~~As used in this section,~~ (b) For purposes of this section as it applies to any manufacturer

1.13 or wholesale drug distributor other than a manufacturer or wholesale drug distributor of

1.14 opiates, "gift" does not include:

1.15 (1) professional samples of a drug provided to a prescriber for free distribution to patients;

1.16 (2) items with a total combined retail value, in any calendar year, of not more than \$50;

1.17 (3) a payment to the sponsor of a medical conference, professional meeting, or other

1.18 educational program, provided the payment is not made directly to a practitioner and is used

1.19 solely for bona fide educational purposes;

1.20 (4) reasonable honoraria and payment of the reasonable expenses of a practitioner who

1.21 serves on the faculty at a professional or educational conference or meeting;

2.1 (5) compensation for the substantial professional or consulting services of a practitioner
2.2 in connection with a genuine research project;

2.3 (6) publications and educational materials; or

2.4 (7) salaries or other benefits paid to employees.

2.5 (c) For purposes of this section as it applies to drug manufacturers or wholesale drug
2.6 distributors of opiates, "gift" does not include:

2.7 (1) publications and education materials; or

2.8 (2) salaries or other benefits paid to employees.