

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

S.F. No. 3516

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DATE	D-PG	OFFICIAL STATUS
02/24/2020	4884	Introduction and first reading Referred to Commerce and Consumer Protection Finance and Policy

1.1 A bill for an act

1.2 relating to health care; establishing a fiduciary duty between a pharmacy benefit

1.3 manager and a health carrier; amending Minnesota Statutes 2019 Supplement,

1.4 section 62W.04.

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

1.6 Section 1. Minnesota Statutes 2019 Supplement, section 62W.04, is amended to read:

1.7 **62W.04 PHARMACY BENEFIT MANAGER GENERAL BUSINESS PRACTICES.**

1.8 (a) A pharmacy benefit manager has a fiduciary duty to a health carrier and must

1.9 discharge that duty in accordance with the provisions of state and federal law.

1.10 ~~(a)~~ (b) A pharmacy benefit manager must exercise good faith and fair dealing in the

1.11 performance of its contractual duties. A provision in a contract between a pharmacy benefit

1.12 manager and a health carrier or a network pharmacy that attempts to waive or limit this

1.13 obligation is void.

1.14 ~~(b)~~ (c) A pharmacy benefit manager must notify a health carrier in writing of any activity,

1.15 policy, or practice of the pharmacy benefit manager that directly or indirectly presents a

1.16 conflict of interest with the duties imposed in this section.