SENATE
STATE OF MINNESOTA
NINETY-FIRST SESSION

S.F. No. 3400

(SENATE AUTHORS: DRAHEIM and Klein)

DATE	D-PG	OFFICIAL STATUS
02/20/2020	4845	Introduction and first reading Referred to Health and Human Services Finance and Policy
03/16/2020	5519	Author added Klein

A bill for an act

relating to health; allowing pharmacy and provider choice related to the prescribing and dispensing of biological products; amending Minnesota Statutes 2018, sections 151.01, by adding subdivisions; 256B.0625, by adding a subdivision; 256L.03, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 62W.

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

Section 1. **[62W.0751] ALTERNATIVE BIOLOGICAL PRODUCTS.**

Subdivision 1. **Definitions.** (a) For purposes of this section, the following definitions have the meanings given them.

(b) "Biological product" has the meaning provided in section 151.01, subdivision 40.

(c) "Biosimilar" or "biosimilar product" has the meaning provided in section 151.01, subdivision 42.

(d) "Interchangeable biological product" has the meaning provided in section 151.01, subdivision 41.

(e) "Reference biological product" has the meaning provided in section 151.01, subdivision 43.

Subd. 2. **Pharmacy and provider choice related to dispensing reference biological products, interchangeable biological products, or biosimilar products.** (a) A pharmacy benefit manager or health carrier must not require or demonstrate a preference for a pharmacy or health care provider to prescribe or dispense any of the following:

(1) a reference biological product;

(2) any product that is biosimilar to the reference biological product; or

(3) any product that is an interchangeable biological product, relative to the reference biological product.

(b) If a pharmacy benefit manager or health carrier elects coverage of a product listed in paragraph (a), clauses (1) to (3), it must also elect equivalent coverage for all of the products listed in paragraph (a), clauses (1) to (3).

(c) Nothing in this section must require switching from a prescribed product listed in paragraph (a), clauses (1) to (3), to another product listed in paragraph (a), clauses (1) to (3), that has a higher retail price.

Sec. 2. Minnesota Statutes 2018, section 151.01, is amended by adding a subdivision to read:

Subd. 42. **Biosimilar product.** "Biosimilar" or "biosimilar product" means a biological product that the United States Food and Drug Administration has:

(1) licensed, and determined to be "biosimilar" under United States Code, title 42, section 262(i)(2);

(2) determined to be "biosimilar," as set forth in the most recent edition or supplement of the United States Food and Drug Administration publication titled "Lists of Licensed Biological Products with Reference Product Exclusivity and Biosimilarity or Interchangeability Evaluations"; or

(3) determined to be therapeutically equivalent, as set forth in the most recent edition or supplement of the United States Food and Drug Administration publication titled "Approved Drug Products with Therapeutic Equivalence Evaluations."

Sec. 3. Minnesota Statutes 2018, section 151.01, is amended by adding a subdivision to read:

Subd. 43. **Reference biological product.** "Reference biological product" means the single biological product for which the United States Food and Drug Administration has approved an initial biological product license application, against which other biological products are evaluated for licensure as biosimilar products or interchangeable biological products.

Sec. 4. Minnesota Statutes 2018, section 256B.0625, is amended by adding a subdivision to read:

Subd. 13k. **Biological products.** Drug coverage and reimbursement under medical assistance must comply with section 62W.0751.

Sec. 5. Minnesota Statutes 2018, section 256L.03, is amended by adding a subdivision to read:

Subd. 3c. **Biological products.** Drug coverage and reimbursement under MinnesotaCare must comply with section 62W.0751.