

(5) comply with the tracking and tracing requirements of United States Code, title 21, sections 360eee and 360eee-1, to the extent feasible and practical prior to imported drugs coming into the possession of the state wholesaler and comply fully after imported drugs are in the possession of the state wholesaler;

(6) prohibit the distribution, dispensing, or sale of imported drug products outside Minnesota;

(7) recommend a charge per prescription or another method of financial support to ensure that the program is funded adequately in a manner that does not jeopardize significant consumer savings;

(8) include thorough audit functions; and

(9) develop provisions to identify and monitor the potential for anticompetitive behavior in industries that would be affected by a wholesale prescription drug importation program.

Subd. 2. **Report.** On or before January 1, 2021, the commissioner of health shall submit the program design and recommendations for a wholesale prescription drug importation program to the legislative committees with jurisdiction over health care policy and finance.

Subd. 3. **Federal compliance.** (a) Upon adoption of legislation establishing the wholesale importation program for prescription drugs, the commissioner shall submit a formal request to the secretary of the United States Department of Health and Human Services for certification of the state's wholesale prescription drug importation program.

(b) The commissioner of health shall seek the appropriate federal approvals, waivers, exemptions, or agreements needed to enable all covered entities enrolled in or eligible for the federal 340B Drug Pricing Program to participate in the state's wholesale prescription drug importation program to the fullest extent possible without jeopardizing their eligibility for the 340B Drug Pricing Program.