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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 1190

03/04/2013 Authored by Simonson, McNamar and Schoen

The bill was read for the first time and referred to the Committee on Commerce and Consumer Protection Finance and Policy

1.1 A bill for an act
1.2 relating to insurance; establishing cost-sharing criteria for generic and
1.3 over-the-counter drugs offered by qualified health plans.

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

1.5 Section 1. **REQUIREMENTS FOR QUALIFIED HEALTH PLANS.**

1.6 Subdivision 1. Cost sharing for drugs. Each qualified health plan offered through
1.7 a Minnesota health insurance exchange:

1.8 (1) must provide coverage for generic prescription drugs without co-payments,
1.9 coinsurance, or other enrollee cost sharing; and

1.10 (2) may provide coverage for over-the-counter drugs without co-payments,
1.11 coinsurance, or other enrollee cost sharing, if the issuer of the qualified health plan
1.12 determines that the over-the-counter drug is an appropriate and cost-effective substitute
1.13 for a formulary legend drug.

1.14 Subd. 2. Definitions. (a) For purposes of this section, the following definitions apply.

1.15 (b) "Affordable Care Act" means Public Law 111-148, as amended by the federal
1.16 Health Care and Education Reconciliation Act of 2010 (Public Law 111-152), and any
1.17 amendments to, or regulations or guidance issued under, those acts.

1.18 (c) "Cost-effective" means the cost to the issuer of the qualified health plan of
1.19 providing the over-the-counter drug without cost sharing is less than the cost to the issuer
1.20 of providing the formulary legend drug, after any applicable enrollee cost sharing.

1.21 (d) "Minnesota health insurance exchange" means the health benefit exchange
1.22 established by the state in compliance with section 1311 of the Affordable Care Act.

1.23 (e) "Qualified health plan" has the meaning provided in section 1301 of the
1.24 Affordable Care Act.

2.1 **EFFECTIVE DATE.** This section is effective January 1, 2014.