

SENATE
STATE OF MINNESOTA
NINETY-SECOND SESSION

S.F. No. 2277

(SENATE AUTHORS: BENSON and Draheim)

DATE
03/24/2021

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Introduction and first reading
 Referred to Health and Human Services Finance and Policy
 See HF2128, Art. 3, Sec. 8

OFFICIAL STATUS

1.1 A bill for an act
 1.2 relating to health care; modifying the prescription drug price transparency public
 1.3 posting; amending Minnesota Statutes 2020, section 62J.84, subdivision 6.

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

1.5 Section 1. Minnesota Statutes 2020, section 62J.84, subdivision 6, is amended to read:

1.6 Subd. 6. **Public posting of prescription drug price information.** (a) The commissioner
 1.7 shall post on the department's website, or may contract with a private entity or consortium
 1.8 that satisfies the standards of section 62U.04, subdivision 6, to meet this requirement, the
 1.9 following information:

1.10 (1) a list of the prescription drugs reported under subdivisions 3, 4, and 5, and the
 1.11 manufacturers of those prescription drugs; and

1.12 (2) information reported to the commissioner under subdivisions 3, 4, and 5.

1.13 (b) The information must be published in an easy-to-read format and in a manner that
 1.14 identifies the information that is disclosed on a per-drug basis and must not be aggregated
 1.15 in a manner that prevents the identification of the prescription drug.

1.16 (c) The commissioner shall not post to the department's website or a private entity
 1.17 contracting with the commissioner shall not post any information described in this section
 1.18 if the information is not public data under section 13.02, subdivision 8a; or is trade secret
 1.19 information under section 13.37, subdivision 1, paragraph (b); or is trade secret information
 1.20 pursuant to the Defend Trade Secrets Act of 2016, United States Code, title 18, section
 1.21 1836, as amended. If a manufacturer believes information should be withheld from public
 1.22 disclosure pursuant to this paragraph, the manufacturer must clearly and specifically identify

that information and describe the legal basis in writing when the manufacturer submits the information under this section. If the commissioner disagrees with the manufacturer's request to withhold information from public disclosure, the commissioner shall provide the manufacturer written notice that the information will be publicly posted 30 days after the date of the notice.

(d) If the commissioner withholds any information from public disclosure pursuant to this subdivision, the commissioner shall post to the department's website a report describing the nature of the information and the commissioner's basis for withholding the information from disclosure.

(e) To the extent the information required to be posted under this subdivision is collected and made available to the public by another state, by the University of Minnesota, or through an online drug pricing reference and analytical tool, the commissioner may reference the availability of this drug price data from another source including creating the ability of the public to access the data from the source for purposes of meeting the reporting requirements of this subdivision.