

2737.1100 PHARMACY OWNERSHIP INTEREST.

Subpart 1. **Networks with only owned pharmacies.** A pharmacy benefit manager requires an enrollee to use a pharmacy if the pharmacy benefit manager establishes a network of pharmacies that includes only pharmacies directly or indirectly owned by the pharmacy benefit manager.

Subp. 2. **Exemptions to prohibitions.** A pharmacy benefit manager is exempt from the prohibitions in Minnesota Statutes, section 62W.07, paragraph (b), if the owned and nonowned pharmacies are of the same type, as provided in this subpart.

A. **Retail.** To be exempt from Minnesota Statutes, section 62W.07, paragraph (b), if the pharmacy benefit manager or health carrier attempts to incentivize use of an owned retail pharmacy, the pharmacy benefit manager or health carrier must provide the same incentive at a nonowned retail pharmacy.

B. **Specialty.** To be exempt from Minnesota Statutes, section 62W.07, paragraph (b), if the pharmacy benefit manager or health carrier attempts to incentivize use of an owned specialty pharmacy, the pharmacy benefit manager or health carrier must provide the same incentive at a nonowned specialty pharmacy.

C. **Mail order.** To be exempt from Minnesota Statutes, section 62W.07, paragraph (b), if the pharmacy benefit manager or health carrier attempts to incentivize use of an owned mail order pharmacy, the pharmacy benefit manager or health carrier must provide the same incentive at a nonowned mail order pharmacy.

Subp. 3. **Use of quantity and refill limits.** A pharmacy benefit manager may use quantity and refill limits only as provided in this subpart.

A. **Retail.** A pharmacy benefit manager or health carrier may only impose quantity limits or refill frequency limits at a nonowned retail pharmacy when the pharmacy benefit manager or health carrier has imposed the same limits at the pharmacy benefit manager's or health carrier's owned retail pharmacies.

B. **Mail order.** A pharmacy benefit manager or health carrier may only impose quantity limits or refill frequency limits at a nonowned mail order pharmacy when the pharmacy benefit manager or health carrier has imposed the same limits at the pharmacy benefit manager's or health carrier's owned mail order pharmacies.

Subp. 4. **Exclusively owned mail order pharmacy networks.** If a pharmacy benefit manager administers a network with only mail order pharmacies that are owned pharmacies, the pharmacy benefit manager is prohibited from (1) offering financial incentives to use the mail order pharmacies, or (2) imposing limits on an enrollee's access to medication.

Statutory Authority: *L 2019 c 39 s 20*

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