62J.845 PROHIBITION ON WITHDRAWAL OF GENERIC OR OFF-PATENT DRUGS FOR SALE.

Subdivision 1. **Prohibition.** A manufacturer of a generic or off-patent drug is prohibited from withdrawing that drug from sale or distribution within this state for the purpose of avoiding the prohibition on excessive price increases under section 62J.842.

Subd. 2. **Notice to board and attorney general.** Any manufacturer that intends to withdraw a generic or off-patent drug from sale or distribution within the state shall provide a written notice of withdrawal to the attorney general at least 90 days prior to the withdrawal.

Subd. 3. **Financial penalty.** The attorney general shall assess a penalty of $500,000 on any manufacturer of a generic or off-patent drug that the attorney general determines has failed to comply with the requirements of this section.

History: *2023 c 57 art 2 s 26*

NOTE: This section was found to be unconstitutional in violation of the interstate dormant Commerce Clause of the United States Constitution as applied to certain sales of generic or off-patent drugs occurring in *Association for Accessible Medicines v. Ellison*, 704 F.Supp.3d 947 (D. Minn. 2023), *affirmed*, 140 F.4th 957 (8th Cir. 2025).