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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 2705

03/08/2023 Authored by Pérez-Vega, Howard, Kozlowski, Hussein, Hassan and others
The bill was read for the first time and referred to the Committee on Health Finance and Policy

1.1 A bill for an act
1.2 relating to health; modifying identification requirements for the insulin safety net
1.3 program; amending Minnesota Statutes 2022, section 151.74, subdivisions 3, 4.

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

1.5 Section 1. Minnesota Statutes 2022, section 151.74, subdivision 3, is amended to read:

1.6 Subd. 3. Access to urgent-need insulin. (a) MNsure shall develop an application form
1.7 to be used by an individual who is in urgent need of insulin. The application must ask the
1.8 individual to attest to the eligibility requirements described in subdivision 2. The form shall
1.9 be accessible through MNsure's website. MNsure shall also make the form available to
1.10 pharmacies and health care providers who prescribe or dispense insulin, hospital emergency
1.11 departments, urgent care clinics, and community health clinics. By submitting a completed,
1.12 signed, and dated application to a pharmacy, the individual attests that the information
1.13 contained in the application is correct.

1.14 (b) If the individual is in urgent need of insulin, the individual may present a completed,
1.15 signed, and dated application form to a pharmacy. The individual must also:

1.16 (1) have a valid insulin prescription; and

1.17 (2) present the pharmacist with identification indicating Minnesota residency in the form
1.18 of a valid Minnesota identification card, driver's license or permit, individual taxpayer
1.19 identification number, or Tribal identification card as defined in section 171.072, paragraph

1.20 (b). If the individual in urgent need of insulin is under the age of 18, the individual's parent
1.21 or legal guardian must provide the pharmacist with proof of residency.

2.1 (c) Upon receipt of a completed and signed application, the pharmacist shall dispense
2.2 the prescribed insulin in an amount that will provide the individual with a 30-day supply.
2.3 The pharmacy must notify the health care practitioner who issued the prescription order no
2.4 later than 72 hours after the insulin is dispensed.

2.5 (d) The pharmacy may submit to the manufacturer of the dispensed insulin product or
2.6 to the manufacturer's vendor a claim for payment that is in accordance with the National
2.7 Council for Prescription Drug Program standards for electronic claims processing, unless
2.8 the manufacturer agrees to send to the pharmacy a replacement supply of the same insulin
2.9 as dispensed in the amount dispensed. If the pharmacy submits an electronic claim to the
2.10 manufacturer or the manufacturer's vendor, the manufacturer or vendor shall reimburse the
2.11 pharmacy in an amount that covers the pharmacy's acquisition cost.

2.12 (e) The pharmacy may collect an insulin co-payment from the individual to cover the
2.13 pharmacy's costs of processing and dispensing in an amount not to exceed \$35 for the 30-day
2.14 supply of insulin dispensed.

2.15 (f) The pharmacy shall also provide each eligible individual with the information sheet
2.16 described in subdivision 7 and a list of trained navigators provided by the Board of Pharmacy
2.17 for the individual to contact if the individual is in need of accessing ongoing insulin coverage
2.18 options, including assistance in:

2.19 (1) applying for medical assistance or MinnesotaCare;

2.20 (2) applying for a qualified health plan offered through MNsure, subject to open and
2.21 special enrollment periods;

2.22 (3) accessing information on providers who participate in prescription drug discount
2.23 programs, including providers who are authorized to participate in the 340B program under
2.24 section 340b of the federal Public Health Services Act, United States Code, title 42, section
2.25 256b; and

2.26 (4) accessing insulin manufacturers' patient assistance programs, co-payment assistance
2.27 programs, and other foundation-based programs.

2.28 (g) The pharmacist shall retain a copy of the application form submitted by the individual
2.29 to the pharmacy for reporting and auditing purposes.

2.30 Sec. 2. Minnesota Statutes 2022, section 151.74, subdivision 4, is amended to read:

2.31 Subd. 4. **Continuing safety net program; general.** (a) Each manufacturer shall make
2.32 a patient assistance program available to any individual who meets the requirements of this

3.1 subdivision. Each manufacturer's patient assistance programs must meet the requirements
3.2 of this section. Each manufacturer shall provide the Board of Pharmacy with information
3.3 regarding the manufacturer's patient assistance program, including contact information for
3.4 individuals to call for assistance in accessing their patient assistance program.

3.5 (b) To be eligible to participate in a manufacturer's patient assistance program, the
3.6 individual must:

3.7 (1) be a Minnesota resident with a valid Minnesota identification card that indicates
3.8 Minnesota residency in the form of a Minnesota identification card, driver's license or
3.9 permit, individual taxpayer identification number, or Tribal identification card as defined
3.10 in section 171.072, paragraph (b). If the individual is under the age of 18, the individual's
3.11 parent or legal guardian must provide proof of residency;

3.12 (2) have a family income that is equal to or less than 400 percent of the federal poverty
3.13 guidelines;

3.14 (3) not be enrolled in medical assistance or MinnesotaCare;

3.15 (4) not be eligible to receive health care through a federally funded program or receive
3.16 prescription drug benefits through the Department of Veterans Affairs; and

3.17 (5) not be enrolled in prescription drug coverage through an individual or group health
3.18 plan that limits the total amount of cost-sharing that an enrollee is required to pay for a
3.19 30-day supply of insulin, including co-payments, deductibles, or coinsurance to \$75 or less,
3.20 regardless of the type or amount of insulin needed.

3.21 (c) Notwithstanding the requirement in paragraph (b), clause (4), an individual who is
3.22 enrolled in Medicare Part D is eligible for a manufacturer's patient assistance program if
3.23 the individual has spent \$1,000 on prescription drugs in the current calendar year and meets
3.24 the eligibility requirements in paragraph (b), clauses (1) to (3).

3.25 (d) An individual who is interested in participating in a manufacturer's patient assistance
3.26 program may apply directly to the manufacturer; apply through the individual's health care
3.27 practitioner, if the practitioner participates; or contact a trained navigator for assistance in
3.28 finding a long-term insulin supply solution, including assistance in applying to a
3.29 manufacturer's patient assistance program.