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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 4565

04/17/2020 Authored by Bahner
The bill was read for the first time and referred to the Committee on Health and Human Services Policy

1.1 A bill for an act
1.2 relating to health occupations; modifying emergency prescription refill requirements
1.3 during a declared peacetime emergency; amending Minnesota Statutes 2019
1.4 Supplement, section 151.211, subdivision 3.

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

1.6 Section 1. Minnesota Statutes 2019 Supplement, section 151.211, subdivision 3, is amended
1.7 to read:

1.8 Subd. 3. Emergency prescription refills. (a) A pharmacist may, using sound professional
1.9 judgment and in accordance with accepted standards of practice, dispense a legend drug
1.10 without a current prescription drug order from a licensed practitioner if all of the following
1.11 conditions are met:

1.12 (1) the patient has been compliant with taking the medication and has consistently had
1.13 the drug filled or refilled as demonstrated by records maintained by the pharmacy;

1.14 (2) the pharmacy from which the legend drug is dispensed has a record of a prescription
1.15 drug order for the drug in the name of the patient who is requesting it, but the prescription
1.16 drug order does not provide for a refill or the time during which the refills were valid has
1.17 elapsed;

1.18 (3) the pharmacist has tried but is unable to contact the practitioner who issued the
1.19 prescription drug order, or another practitioner responsible for the patient's care, to obtain
1.20 authorization to refill the prescription;

1.21 (4) the drug is essential to sustain the life of the patient or to continue therapy for a
1.22 chronic condition;

2.1 (5) failure to dispense the drug to the patient would result in harm to the health of the
2.2 patient; and

2.3 (6) the drug is not a controlled substance listed in section 152.02, subdivisions 3 to 6,
2.4 except for a controlled substance that has been specifically prescribed to treat a seizure
2.5 disorder, in which case the pharmacist may dispense up to a 72-hour supply.

2.6 (b) If the conditions in paragraph (a) are met, the amount of the drug dispensed by the
2.7 pharmacist to the patient must not exceed a 30-day supply, or the quantity originally
2.8 prescribed, whichever is less, except as provided for controlled substances in paragraph (a),
2.9 clause (6). If the standard unit of dispensing for the drug exceeds a 30-day supply, the
2.10 amount of the drug dispensed or sold must not exceed the standard unit of dispensing.

2.11 (c) A pharmacist shall not dispense or sell the same drug to the same patient, as provided
2.12 in this section, more than one time in any 12-month period.

2.13 (d) A pharmacist must notify the practitioner who issued the prescription drug order not
2.14 later than 72 hours after the drug is sold or dispensed. The pharmacist must request and
2.15 receive authorization before any additional refills may be dispensed. If the practitioner
2.16 declines to provide authorization for additional refills, the pharmacist must inform the patient
2.17 of that fact.

2.18 (e) The record of a drug sold or dispensed under this section shall be maintained in the
2.19 same manner required for prescription drug orders under this section.

2.20 (f) Notwithstanding paragraph (b), when the governor has declared a peacetime
2.21 emergency under section 12.31 and the requirements of paragraph (a) are met:

2.22 (1) a pharmacist may dispense up to a 90-day supply of a legend drug, except that if the
2.23 drug is a controlled substance listed in section 152.02, subdivisions 3 to 6, the pharmacist
2.24 must not refill a prescription without authorization from the prescriber unless the controlled
2.25 substance has been specifically prescribed to treat a seizure disorder. If the controlled
2.26 substance has been specifically prescribed to treat a seizure disorder, the pharmacist may
2.27 dispense up to a seven day supply;

2.28 (2) the restrictions under paragraph (c) shall not apply; and

2.29 (3) the pharmacist must attempt to notify the practitioner who issued the prescription
2.30 drug order no later than 72 hours after the drug is sold or dispensed. If the prescriber, after
2.31 receiving notification of the sale or dispensing, informs the pharmacist that additional refills
2.32 should not be dispensed, the pharmacist shall not dispense additional refills and must inform
2.33 the patient of the prescriber's instruction.

- 3.1 Dispensing of drugs pursuant to this paragraph is permitted only until the end date of the
- 3.2 peacetime emergency declared by the governor.
- 3.3 **EFFECTIVE DATE.** This section is effective the day following final enactment.