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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH
SESSION

HOUSE FILE No. **1073**

February 19, 2007

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The bill was read for the first time and referred to the Committee on Health and Human Services

March 5, 2007

Committee Recommendation and Adoption of Report:

To Pass and re-referred to the Committee on Finance

1.1 A bill for an act
1.2 relating to human services; requiring the commissioner of human services
1.3 to provide notice when a prescription drug is removed from the formulary;
1.4 amending Minnesota Statutes 2006, section 256B.0625, subdivision 13d.

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

1.6 Section 1. Minnesota Statutes 2006, section 256B.0625, subdivision 13d, is amended
1.7 to read:

1.8 Subd. 13d. **Drug formulary.** The commissioner shall establish a drug formulary.
1.9 Its establishment and publication shall not be subject to the requirements of the
1.10 Administrative Procedure Act, but the Formulary Committee shall review and comment
1.11 on the formulary contents.

1.12 The formulary shall not include:

- 1.13 (1) drugs or products for which there is no federal funding;
- 1.14 (2) over-the-counter drugs, except as provided in subdivision 13;
- 1.15 (3) drugs used for weight loss, except that medically necessary lipase inhibitors may
1.16 be covered for a recipient with type II diabetes;

1.17 (4) drugs when used for the treatment of impotence or erectile dysfunction;

1.18 (5) drugs for which medical value has not been established; and

1.19 (6) drugs from manufacturers who have not signed a rebate agreement with the

1.20 Department of Health and Human Services pursuant to section 1927 of title XIX of the

1.21 Social Security Act. Before removing a drug from the formulary due to failure of a

1.22 manufacturer to sign a rebate agreement, the commissioner shall provide prescribing

1.23 practitioners 60 days' notice that the drug will be removed.

1.24 **EFFECTIVE DATE.** This section is effective the day following final enactment.