

HOUSE RESEARCH

Bill Summary

FILE NUMBER: H.F. 3032

DATE: March 9, 2006

Version: First engrossment

Authors: Emmer and others

Subject: Dispensing prescription drugs or devices

Analyst: Lynn Aves, 651-296-8079

This publication can be made available in alternative formats upon request. Please call 651-296-6753 (voice); or the Minnesota State Relay Service at 1-800-627-3529 (TTY) for assistance. Summaries are also available on our website at: www.house.mn/hrd.

Overview

This bill prohibits pharmacists from refusing to fill prescriptions for legend drugs and devices unless specific circumstances exist.

Section

1 **Prohibition against refusing to dispense a legend drug or device.** Adds §151.415.

Subd. 1. Intent. States that it is the intent of the legislature that pharmacists dispense prescriptions or provide appropriate referrals for patients despite the pharmacist's objections on moral, ethical, or religious grounds.

Subd. 2. Prohibition. Paragraph (a). States that no pharmacist shall obstruct a patient in obtaining a drug that has been legally prescribed. Provides that such conduct constitutes unprofessional conduct that shall subject the pharmacist to disciplinary or administrative action by the Board.

Paragraph (b). Provides specific circumstances under which a pharmacist may refuse to dispense a prescribed drug or device:

- Based on the pharmacist's professional training and judgment dispensing the drug or device is contrary to law, or would cause a harmful drug interaction or adversely affect the patient's medical condition;

Section

- The drug is not in stock. If the drug is not in stock the pharmacist shall:
 - **Immediately notify the patient and arrange for the drug to be delivered to the site or directly to the patient;**
 - **Promptly transfer the prescription to another pharmacy known to stock the drug or device that is near enough to the site to ensure the patient has timely access; or**
 - **Return the prescription to the patient and refer the patient. The pharmacist shall make reasonable efforts to refer the patient to a pharmacy that stocks the drug or device and is near enough to ensure the patient has timely access; or**
- The pharmacist refuses to dispense the drug or device on ethical, moral, or religious grounds. Provides that a pharmacist may refuse only if the employer has previously been notified in writing of the drug or class of drugs the pharmacist will not dispense, and the employer, without creating an undue hardship can provide a reasonable accommodation. Provides the employer shall establish a protocol to ensure the patient has timely access to the prescribed drug or device.

Paragraph (c). Defines "legend drug or device" by reference to section 151.01, subdivision 17.

Paragraph (d). Provides that this section imposes no duty on a pharmacist to dispense a drug or device without payment.