

**Subject** Refills Without a Prescription

**Authors** Bahner and others

**Analyst** Randall Chun

**Date** March 1, 2019

## Overview

This bill allows a pharmacist to dispense or sell a drug without a prescription, if the prescription on record does not provide for a refill or the time for providing refills has elapsed, and other specified conditions are met.

## Summary

Section	Description
1	<p><b>Drug coverage in emergency situations.</b></p> <p>Adds § 62Q.528. Requires a health plan that provides drug coverage to cover drugs under § 151.211, subd. 3 (emergency prescription refills) under the terms that would apply had the drug been dispensed according to a prescription.</p>
2	<p><b>Practitioner.</b> Amends § 151.01, subd. 23. Includes in the definition of practitioner, for purposes of emergency prescription refills, physician assistants and dental therapists.</p>
3	<p><b>Refill requirements.</b> Amends § 151.211, subd. 2. Makes a conforming change § 152.211, subd. 3 (emergency prescription refills).</p>
4	<p><b>Emergency prescription refills.</b> Amends § 151.211, by adding subd. 3.</p> <p>(a) Provides that a pharmacist, using sound professional judgment and in accordance with accepted standards of practice, may dispense a legend drug without a current prescription, if all of the following conditions are met:</p> <ul style="list-style-type: none"><li>(1) the patient has been compliant with taking the medication and has consistently had the drug filled or refilled as demonstrated by pharmacy records;</li><li>(2) the pharmacy has a record of the prescription drug order for the patient, but the prescription does not provide for a refill or the time for providing refills has elapsed;</li><li>(3) the pharmacist is unable to contact the practitioner who issued the prescription, or another practitioner responsible for the patient's care, to obtain refill authorization;</li></ul>

Section	Description
	<p>(4) the drug is essential to sustain the life of the patient or to continue therapy for a chronic condition; and</p> <p>(5) failure to dispense the drug would harm patient health; and</p> <p>(6) the drug is not a controlled substance, except for a controlled substance prescribed to treat a seizure disorder, for which a 72-hour supply may be dispensed.</p>
	<p>(b) Limits the amount dispensed to a 30-day supply, or the quantity originally prescribed, whichever is less, except for seizure medications. If the standard unit of dispensing exceeds a 30-day supply, the amount of drug dispensed or sold must not exceed the standard unit of dispensing.</p>
	<p>(c) Prohibits a pharmacist from dispensing or selling the same drug to the same patient more than once in a 12-month period.</p>
	<p>(d) Requires a pharmacist to notify the practitioner who issued the prescription within 72 hours of the drug being sold or dispensed. Requires authorization before any additional refills may be dispensed.</p>
	<p>(e) Requires the record of the drug sold or dispensed under this section to be maintained in the same manner as other prescriptions.</p>



**MN HOUSE  
RESEARCH**

*Minnesota House Research Department provides nonpartisan legislative, legal, and information services to the Minnesota House of Representatives. This document can be made available in alternative formats.*

[www.house.mn/hrd](http://www.house.mn/hrd) | 651-296-6753 | 600 State Office Building | St. Paul, MN 55155