

COMMERCE AND CONSUMER PROTECTION COMMITTEE

COMMERCE OMNIBUS BUDGET BILL (S.F. No. 2744, 1st engrossment)

BILL	DESCRIPTION	OMNIBUS SECTIONS	STATUTORY CITES	LANGUAGE USED
ARTICLE 1 - APPROPRIATIONS				
SF 1775 (Seeberger)	Appropriating money for a loan resolution and financial stability program and for a character-based innovative loan program	Article 1, section 2	Appropriation	As introduced, but with revised language to specify uses of funds
SF 1461 (Xiong)	Providing grants to the Minnesota Council on Economic Education	Article 1, section 4	Appropriation	As introduced
ARTICLE 2 – INSURANCE POLICY				
N/A	Change of insurance fees	Article 2, section 1	60A.14 Subd. 1	Department language
SF 2485 (Gustafson)	Commercial health plan coverage requirement of certain treatment at psychiatric residential treatment facilities	Article 2, sections 2, 25, 26	62A.152 Subd. 3; 62K.10 Subd. 4; 62Q.19 Subd. 1	1 st engrossment
SF 168 (Morrison)	Excessive price increases by manufacturers prohibition to generic or off-patent drugs	Article 2, sections 8-24, and 35-36; Appropriation in Article 1	62J.841; 62J.842; 62J.843; 62J.844; 62J.845; 62J.846;62J.85; 62J.86; 62J.87; 62J.88; 62J.89; 62J.90; 62J.91; 62J.92; 62J.93;62J.94; 62J.95; 151.071 Subd. 1;151.071 Subd. 2	3 rd engrossment of HF
SF 2382 (Hoffman)	Mental Health Parity and Substance Abuse Accountability Office establishment and appropriation	Article 2, section 29; Appropriation in Article 1	62Q.465	HF 1540 (companion bill), as introduced
SF 1490 (Xiong)	Psychiatric collaborative care model	Article 2, section 30; Appropriation in Article 1	62Q.47	As introduced, Sec. 1
SF 120 (Murphy)	Cost sharing limitation for prescription drugs and related medical supplies prescribed to treat a chronic disease	Article 2, sections 31, 37, 38	62Q.481; 256B.0631 Subd. 1; 256L.03 Subd. 5	1 st engrossment
SF 482 (Klein)	Requirements establishment for pharmacy benefit managers and health carriers related to clinician-administered drugs	Article 2, section 34	62W.15	2 nd engrossment, but revised to carve-out Medical Assistance and MinnesotaCare from bill requirements

SF 1071 (Klein)	Requiring commissioner to conduct an evaluation of existing statutory health benefits	Article 2, section 39; Appropriation in Article 1	One section of uncodified law	1 st engrossment, but revised to reflect a reduced requirement of 1 mandate per year
ARTICLE 3 - FINANCIAL INSTITUTIONS				
SF 998 (Xiong)	Establishing a student loan advocate	Article 3, section 49; Appropriation in Article 1	58B.011	As introduced
ARTICLE 4 – WEIGHTS AND MEASURES				
SF 1459 (Kupec)	Requiring sales reporting for intermediate blends of gasoline and biofuel	Article 4, section 1; Appropriation in Article 1	239.791 Subd. 8	1 st engrossment
MULTIPLE ARTICLES – SF 2744				
SF 2744 (Klein)	Commerce appropriations provisions modifications	Article 2, sections 3-7, 27, 28, 32, 33 Article 3, sections 1-48; Appropriations in Article 1	62D.02 Subd. 17; 62D.095 Subd. 2; 62D.095 Subd. 3; 62D.095 Subd. 4; 62D.095 Subd. 5; 62Q.46 Subd. 1; 62Q.46 Subd. 3; 62Q.81 Subd. 4; 62Q.81 Subd. 7; 46.131 Subd. 11; 53B.28 to 53B.74	As introduced, but with Articles 2 (RDA Appropriations), 4 (Strengthen Minnesota Homes), and 6 (Energy Policy) removed

Detailed Bill Descriptions

Article 1 - Appropriations

- **SF 1775** appropriates money from the general fund to the commissioner of commerce for grants to Exodus Lending to assist individuals reach financial stability and resolve payday loans, as well as to assist the development of a character-based small dollar loan program.
- **SF 1461** transfers money from the consumer education account in the special revenue fund to the general fund, and appropriates such money from the general fund to the commissioner of education to issue grants to the Minnesota Council on Economic Education to (1) provide professional development to Minnesota teachers of personal finance or consumer protection; (2) support direct-to-student ancillary personal finance programs; and (3) provide support to geographically diverse affiliated higher education-based centers for economic education engaged in financial literacy education.

Article 2 – Insurance Policy

- The section incorporated into Article 2 with the description in the above chart “Change of insurance fees” increases various non-examination fees, which must be paid to the commissioner of commerce for deposit in the general fund, including fees imposed on certain regulated entities for: (1) filing an annual statement; and (2) an annual amount based on a certificate of authority filing; as well as general fees relating to (1) policies of life insurance companies; and (2) for annual renewal of a surplus lines insurer license.
- **SF 2485** modifies health plan coverage requirements for services at psychiatric residential treatment facilities, which are non-hospital inpatient facilities that generally provide psychiatric services to individuals under the age of 21.

- **SF 168** prohibits a manufacturer from imposing or causing to be imposed an excessive price increase on the sale of any generic or off-patent drug sold, dispensed, or delivered to any Minnesota consumer. The bill requires the commissioner of health to notify the manufacturer, attorney general, and Board of Pharmacy of any suspected violation of this prohibition. This bill also establishes the Prescription Drug Affordability Board and the Prescription Drug Affordability Advisory Council to review the cost of prescription drugs, represent stakeholder views, and set upper payment limits for drugs. S.F. 168 allows the board to conduct drug cost reviews for specific drugs that meet certain pricing criteria.
- **SF 2382** establishes a Mental Health Parity and Substance Abuse Accountability Office within the Department of Commerce. The new office is tasked with creating and executing strategies for various state and federal requirements related to alcoholism, mental health, and chemical dependency services.
- **SF 1490** requires all health plan companies offering health plans that cover alcoholism, mental health, or chemical dependency benefits to provide reimbursement for such benefits delivered through the psychiatric Collaborative Care Model. This bill further sets forth certain billing codes which must be included in the required benefits under this bill.
- **SF 120** sets limits on enrollee cost-sharing under private sector insurance, MA, and MinnesotaCare, for prescriptions drugs and related medical supplies prescribed to treat a chronic disease and related medical supplies.
- **SF 482** prohibits pharmacy benefit managers (“PBMs”) and health carriers from requiring that a clinician-administered drug or the administration of such a drug be covered as a pharmacy benefit. This bill further establishes a requirement that enrollees be permitted to obtain a clinician-administered drug from a provider authorized to administer the drug, or a pharmacy. The language in the omnibus bill expressly carves-out Medical Assistance and MinnesotaCare.
- **SF 1071** requires the commissioner of commerce to evaluate existing Minnesota statutory provisions that would constitute a state-required benefit included in Minnesota’s essential health benefit-benchmark plan if the statutory provision was offered as a legislative proposal on the date of enactment of this bill. The language in the omnibus bill requires the commissioner to conduct at least one evaluation each year using the process established under section 62J.26, subdivision 2 of the Minnesota Statutes.

Article 3 – Financial Institutions

- **SF 998** creates a student loan advocate position within the Department of Commerce.

Article 4 – Weights and Measures

- **SF 1459** requires gasoline retailers to report their monthly intermediate blend sales to the Department of Commerce. “Intermediate blends” are defined by the bill’s language as all blends of gasoline and biofuel in which the biofuel content exceeds ten percent but is no more than 50 percent.

Multiple Articles – SF 2744

- Article 2, sections 3 – 7, 27, 28, 32 (Preventive Items and Services):
 - These provisions permit access to certain preventive services by requiring health insurers to provide preventive items and services at no cost to enrollees absent of a federal requirement to do so, and generally codify existing federal law into state statute. For instance, the language in this bill prohibits a health maintenance contract from imposing a deductible for preventive items and services, and from imposing an annual out-of-pocket

maximum for preventive items and services. “Preventive items and services” has the meaning specified in the Affordable Care Act, and this language expressly enumerates various items, in section 62Q.46, subdivision 1, that would be included within this definition.

- Article 2, section 33 (Standardized Plans):
 - This section requires the commissioner of commerce, in consultation with the commissioner of health, to annually determine standard plan parameters. Health plans companies that offer individual health plans must ensure that certain health plans conform to those standard plan parameters. The companies must further label and market such plans as standard plans to aid the plan purchaser in the plan selection process.
- Article 3, sections 1-48 (Money Transmission Model Act):
 - These sections repeal various sections of Chapter 53B, which chapter relates to money transmitters, and creates numerous new sections to adopt a state version of the “Money Transmission Model Act.” Generally, this model act as would be codified by the present bill language would (1) prohibit certain individuals and entities from engaging in the business of money transmission unless licensed under the chapter, (2) establish mechanisms for consistent licensing between states; (3) impose disclosure requirements to the commissioner; (4) establish conditions for the acquisition of control of a licensee under the chapter; and (5) provide definitions and regulation relating to virtual currency and related consumer protections.