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S.F. No. 4584 - Medication repository program requirements modification

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Bill Overview

S.F. 4584 updates provisions of Minn. Stat. § 151.555, which is Minnesota’s law governing the state’s “Medication Repository Program.” The repository program was established by the Board of Pharmacy, for donors to donate drugs and medical supplies for use by an individual who meets certain eligibility criteria set forth in the statute. This bill revises the program in several manners, including limiting certain administrative form and attestation requirements currently imposed under the program, clarifying that non-prescription donated drugs and supplies may be dispensed by a repository under the program without a prescription, and prohibiting a supply or handling fee from being charged to MA and MinnesotaCare enrollees. S.F. 4584 further extends immunity from civil liability to certain individuals and entities if the drug or supply is donated, accepted, distributed, and dispensed according to the requirements of Minn. Stat. § 151.555.

Section Summaries

Section 1 (amends Minn. Stat. § 151.555, subdivision 1) Existing law defines the term “donor” as an individual over 18 years old along with six specific entity types enumerated in the definition (*e.g.*, an assisted living facility licensed under chapter 144G, a drug wholesaler licensed under section 151.47, etc.). This section would revise the definition to use broader language, such that it would include an individual over 18 as well as “any entity legally authorized to possess medicine with a license or permit in good standing in the state in which it is located, without further restrictions.”

Section 2 (amends Minn. Stat. § 151.555, subdivision 4) This section deletes a requirement imposed on the central repository to provide the Board of Pharmacy with a copy of a local repository’s withdrawal notice within ten business days from receipt.

Section 3 (amends Minn. Stat. § 151.555, subdivision 5) This section updates patient attestation requirements in connection with receiving drugs from a local repository. The section further removes a requirement imposed on local repositories to furnish a patient with an identification card.

Section 4 (amends Minn. Stat. § 151.555, subdivision 6) This section removes a condition, currently required for a drug to be eligible for donation under the medication repository program, that the donation be accompanied by a signed medication repository donor form, and also removes this same condition with respect to medical supplies. This section further imposes a requirement on the central repository and local repositories to verify and record certain information on the medication repository donor form, including but not limited to, the following: (1) the donor's name and contact information; (2) that the donor will only make donations in accordance with the program; and (3) that, to the best of the donor's knowledge, only drugs or supplies that have been properly stored and branded will be donated. This section also permits the Board of Pharmacy to waive a requirement for the central repository and local repositories to maintain an inventory of all donated drugs and supplies if an entity under common ownership or control of the repository maintains an inventory containing all the required information.

Section 5 (amends Minn. Stat. § 151.555, subdivision 7) This section removes a requirement imposed on pharmacists and practitioners who inspect drugs or supplies under the program to sign an inspection record stating that the donation requirements have been met.

Section 6 (amends Minn. Stat. § 151.555, subdivision 8) This section clarifies that non-prescription donated drugs and supplies may be dispensed by a repository under the program without a prescription. The section further limits an existing patient acknowledgment form requirement from applying each time a drug or supply is dispensed or administered to only the first time the drug or supply is dispensed or administered.

Section 7 (amends Minn. Stat. § 151.555, subdivision 9) This section prohibits a supply or handling fee from being charged to an individual enrolled in the medical assistance program or MinnesotaCare.

Section 8 (amends Minn. Stat. § 151.555, subdivision 11) Existing law requires program participants to use certain forms relating to the repository program located on the Board of Pharmacy's website. This section permits participants to use substantively similar electronic or physical forms.

Section 9 (amends Minn. Stat. § 151.555, subdivision 12) This section provides immunity from civil liability to a person or entity, that facilitates a (1) health care facility participating in the program, (2) pharmacist dispensing a drug or supply pursuant to the program, (3) practitioner dispensing or administering a drug or supply pursuant to the program, or (4) donor of a drug or medical supply, for an act or omission that causes injury to or the death of an individual to whom the drug or supply is dispensed, so long as the drug or supply is donated, accepted, distributed, and dispensed according to the requirements of Minn. Stat. § 151.555. The immunity does not apply if the act or omission involves reckless, wanton, or intentional misconduct, or malpractice unrelated to the quality of the drug or medical supply.