State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 646

02/04/2019 Authored by Lesch, Albright and Zerwas
The bill was read for the first time and referred to the Committee on Health and Human Services Policy

A bill for an act

relating to health; establishing requirements for counterfeit drug investigations; amending Minnesota Statutes 2018, section 151.37, by adding a subdivision.

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

Section 1. Minnesota Statutes 2018, section 151.37, is amended by adding a subdivision to read:

Subd. 14. **Investigation of counterfeit drugs.** (a) For purposes of this subdivision, "investigator" means a person who is engaged in an investigation of the counterfeit drug trade.

(b) An agent of the board, or a person employed or retained as an investigator by a pharmaceutical manufacturer or practitioner, may seek to have a legend drug dispensed by a pharmacy, or any entity claiming to be a pharmacy, for the purpose of determining whether a legend drug has been counterfeited, adulterated, or misbranded. An investigator may do so by submitting a prescription drug order to the pharmacy or entity. If an entity offers to sell drugs without a prescription, the investigator may purchase the drug without a prescription drug order.

(c) A drug dispensed or sold to an agent of the board or an investigator pursuant to this subdivision is an investigative drug sample and may only be used for testing or as evidence in a civil or criminal action, and may not be resold or used for human consumption.

(d) A pharmaceutical manufacturer that collects investigative drug samples during an investigation of counterfeit drugs must:

(1) maintain records of the drug samples; and

(2) make the records available to an agent of the board or to any federal, state, county, or municipal officer whose duty it is to enforce the laws of this state or the United States relating to drugs and who is engaged in a specific investigation involving a designated person or drug.

(e) If an investigator determines that a drug obtained pursuant to this subdivision is counterfeit, the investigator must report the counterfeit drug to the board.