..... moves to amend H.F. No. 17, the second engrossment, as follows:

Page 2, delete subdivision 4 and insert:

"Subd. 4. **Manufacturer.** "Manufacturer" means an entity that:

(1) engages in the manufacture of a prescription drug product or enters into a lease with another manufacturer to market and distribute a prescription drug product under the entity's own name; and

(2) sets or changes the wholesale acquisition cost of the prescription drug product it manufactures or markets."

Page 3, delete subdivision 1 and insert:

"Subdivision 1. **Notification.** (a) The commissioner of health shall notify the manufacturer of a generic or off-patent drug, the attorney general, and the Board of Pharmacy of any price increase that the commissioner believes may violate section 62J.842.

(b) The commissioner of management and budget and any other state agency that provides or purchases a pharmacy benefit except the Department of Human Services, and any entity under contract with a state agency to provide a pharmacy benefit other than an entity under contract with the Department of Human Services, may notify the manufacturer of a generic or off-patent drug, the attorney general, and the Board of Pharmacy of any price increase that the commissioner or entity believes may violate section 62J.842."

Page 5, delete subdivision 6 and insert:

"Subd. 6. **Brand name drug.** "Brand name drug" means a drug that is produced or distributed pursuant to:

(1) a new drug application approved under United States Code, title 21, section 355(c), except for a generic drug as defined under Code of Federal Regulations, title 42, section 447.502; or

(2) a biologics license application approved under United States Code, title 45, section 262(a)(c)."

Page 6, line 8, delete "Legislative Coordinating Commission" and insert "commissioner of commerce"

Page 7, delete subdivision 5 and insert:

"Subd. 5. **Staff; technical assistance.** (a) The board shall hire an executive director and other staff, who shall serve in the unclassified service. The executive director must have knowledge and demonstrated expertise in pharmacoeconomics, pharmacology, health policy, health services research, medicine, or a related field or discipline.

(b) The commissioner of health shall provide technical assistance to the board. The board may also employ or contract for professional and technical assistance as the board deems necessary to perform the board's duties.

(c) The attorney general shall provide legal services to the board."

Page 9, line 32, delete "shall" and insert "may"

Page 10, delete lines 11 to 21 and insert:

"(4) generic drugs for which:

(i) the price increase, adjusted for inflation using the Consumer Price Index, as defined in section 62J.841, subdivision 2, exceeds:

(A) 15 percent of the wholesale acquisition cost over the immediately preceding calendar year; or

(B) 40 percent of the wholesale acquisition cost over the immediately preceding three calendar years; and

(ii) the price increase, adjusted for inflation utilizing the Consumer Price Index, exceeds $30 for:

(A) a 30-day supply of the drug; or

(B) a course of treatment lasting less than 30 days.

The board is not required to identify all prescription drug products that meet the criteria in this paragraph."

Page 10, line 22, after "council" insert "and the commissioner of health"

Page 10, line 30, after "8a"insert ", or as trade secret information under section 13.37, subdivision 1, paragraph (b), or as trade secret information under the Defend Trade Secrets Act of 2016, United States Code, title 18, section 1836, as amended"

Page 11, line 30, before the period, insert ", or as trade secret information under section 13.37, subdivision 1, paragraph (b), or as trade secret information under the Defend Trade Secrets Act of 2016, United States Code, title 18, section 1836, as amended"

Page 12, delete lines 19 to 21 and insert:

"(b) An upper payment limit applies to all purchases of, and payer reimbursements for, a prescription drug that is dispensed or administered to individuals in the state in person, by mail, or by other means, and for which an upper payment limit has been established."