

HOUSE RESEARCH

Bill Summary

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Subject: Limiting Use of Prescription Information for Marketing Pharmaceuticals

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Overview

This bill would prohibit individually identifying information contained in a prescription record from being used in marketing pharmaceutical products.

Section

1 Prohibited use of prescription information. Adds § 62J.84.

Subd. 1. Use of individual identifying information for marketing prohibited.

(a) Prohibits the use of patient- and prescriber-identifying information contained in a prescription record for any marketing purpose. Provides a definition of “marketing purpose.” Makes explicit that this section does not prohibit disclosure or use of prescription information for purposes such as pharmacy reimbursement, formulary compliance, and health care research.

(b) Provides that information in a prescription record may be used for marketing purposes, provided:

- the information is aggregate data;
- the information does not include individually identifying information; and
- the information is not used to obtain individually identifying information.

Subd. 2. Enforcement. Classifies a violation of this section as an unfair or deceptive act or practice under Minnesota Statutes, chapter 72A. Requires the attorney general to investigate violations of this section and pursue enforcement as required.