

Introduced by

Senators Anderson, Dever, J. Lee

Representatives Kasper, Seibel, Weisz

1 A BILL for an Act to create and enact a new section to chapter 19-02.1 of the North Dakota  
2 Century Code, relating to specialty pharmacy services; and to provide a penalty.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1.** A new section to chapter 19-02.1 of the North Dakota Century Code is created  
5 and enacted as follows:

6 **Specialty pharmacy services and patient access to pharmaceuticals - Pharmacy**  
7 **benefits managers - Penalty.**

8 1. As used in this section:

9 a. "Pharmacy benefits manager" has the same meaning as in section 19-03.6-01.

10 b. "Plan sponsor" has the same meaning as in section 19-03.6-01.

11 c. "Specialty drug" means a prescription drug that:

12 (1) Is not available for order or purchase by a retail community pharmacy and  
13 long-term care pharmacy, regardless of whether the drug is meant to be  
14 self-administered; and

15 (2) Requires special storage and has distribution or inventory limitations not  
16 available at a retail community pharmacy or long-term care pharmacy.

17 d. "Third-party payer" has the same meaning as in section 19-03.6-01.

18 2. A pharmacy benefits manager or third-party payer that has an ownership interest,  
19 either directly or through an affiliate or subsidiary, in a pharmacy shall disclose to a  
20 plan sponsor contracted payer any difference between the amount paid to a pharmacy  
21 and the amount charged to the plan sponsor contracted payer.

22 3. A pharmacy benefits manager or a pharmacy benefits manager's affiliates or  
23 subsidiaries may not own or have an ownership interest in a patient assistance  
24 program and a mail order specialty pharmacy, unless the pharmacy benefits manager,

- 1           affiliate, or subsidiary agrees to fair competition, no self-dealing, and no interference  
2           with prospective economic advantage and establishes a firewall between the  
3           administrative functions and the mail order pharmacy.
- 4        4. A pharmacy benefits manager or third-party payer may not require pharmacy  
5           accreditation standards or recertification requirements to participate in a network  
6           which are inconsistent with, more stringent than, or in addition to the federal and state  
7           requirements for licensure as a pharmacy in this state.
- 8        5. A licensed pharmacy or pharmacist may dispense any and all drugs allowed under  
9           that license.
- 10       6. A pharmacy benefits manager or other third-party payer that violates this section is  
11           guilty of a class B misdemeanor for each violation occurrence.