

**FIRST ENGROSSMENT
with Conference Committee Amendments
ENGROSSED HOUSE BILL NO. 1469**

Introduced by

Representatives Mock, Devlin, Kasper, Louser, D. Ruby

Senators Anderson, Dever, Heckaman, J. Lee

1 A BILL for an Act to create and enact section 19-02.1-16.3 of the North Dakota Century Code,
2 relating to pharmacy benefits manager step therapy protocols.

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

4 **SECTION 1.** Section 19-02.1-16.3 of the North Dakota Century Code is created and
5 enacted as follows:

6 **19-02.1-16.3. Pharmacy benefits managers - Step therapy protocols - Limitations.**

7 1. As used in this section:

8 a. "Metastatic cancer" means cancer that has spread from the primary or original
9 site to lymph nodes, nearby tissues, or other parts of the body.

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

11 c. "Step therapy protocol" means a protocol requiring an individual use a drug, or
12 sequence of drugs, other than the prescription drug, or sequence of prescription
13 drugs, the individual's health care provider recommends for the individual's
14 treatment, before the pharmacy benefits manager or health plan allows coverage
15 for the recommended prescription drug, or sequence of prescription drugs.

16 2. A pharmacy benefits manager or a health plan may not require a step therapy protocol
17 for coverage of a recommended prescription drug, or sequence of prescription drugs,
18 approved by the United States food and drug administration if:

19 a. The recommended prescription drug, or sequence of prescription drugs, is
20 prescribed to treat the individual's diagnosis of metastatic cancer; and

21 b. The use of the recommended prescription drug, or sequence of prescription
22 drugs, is consistent with the United States food and drug administration-approved
23 indications or is supported by peer-reviewed medical literature.

24 3. This section does not require coverage of a nonformulary prescription drug.