

February 4, 2021

PROPOSED AMENDMENTS TO SENATE BILL NO. 2170

Page 2, line 17, after the underscored comma insert "on a form established by the insurance commissioner."

Page 2, line 18, remove "two hundred fifty"

Page 2, line 23, replace "two hundred fifty" with "the"

Page 2, line 24, after the underscored period insert "The insurance commissioner shall identify the number of reference drugs subject to the referenced rate."

Page 2, line 25, replace "determine the referenced rate" with "establish a rate to be used as a basis to begin negotiation. The insurance commissioner shall establish this rate"

Page 3, remove line 1

Page 3, line 2, remove "among those resources and the wholesale acquisition cost."

Page 3, line 3, after "within" insert "the identified"

Page 3, line 3, remove "described in subsection 3"

Page 3, line 4, replace "shall" with "may"

Page 3, line 5, remove "referenced"

Page 3, line 5, replace "a reference such as" with "used as a basis to begin negotiation"

Page 3, after line 6, insert:

"4. The insurance commissioner shall negotiate with manufacturers and distributors of referenced drugs to set a reference rate for each of the identified drugs."

Page 3, line 13, remove "and office within the state"

Page 3, line 15, replace "be" with "have"

Page 3, line 15, replace "and maintain an office within" with "in"

Page 3, line 16, after "savings" insert "- Referenced drug fund"

Page 3, line 17, replace "Any" with "A health plan or participating Employee Retirement Income Security Act plan shall use any"

Page 3, line 17, remove "must be"

Page 3, line 18, remove "used"

Page 3, line 18, replace "consumers" with "their members"

Page 3, line 18, remove "state entity."

Page 3, line 18, remove the second underscored comma

Page 3, line 21, remove "2."

Page 3, line 21, remove "state entity."

Page 3, line 21, remove the third underscored comma

Page 3, line 25, replace "achieve the requirements of subsection 1" with "reduce costs to its members"

Page 3, after line 25, insert:

"2. A state entity shall deposit any savings generated as a result of the requirements in section 19-03.7-02 into a referenced drug fund in the state treasury. Subject to legislative appropriation, the money in the fund must be used by the public employees retirement system and the insurance commissioner to administer this chapter and to reduce health plan premiums of state entities."

Page 3, line 30, after the underscored period insert "The insurance commissioner and state board of pharmacy shall work with the attorney general in enforcing this chapter."

Page 4, line 3, after "**sale**" insert "**- Penalty**"

Page 4, line 9, after "commissioner" insert ", to the state board of pharmacy."

Page 4, line 12, after "commissioner" insert ", working in consultation with the state board of pharmacy."

Page 4, line 23, after "commissioner" insert ", working in consultation with the state board of pharmacy."

Page 4, line 28, replace "4" with "5"

Renumber accordingly