

HOUSE BILL NO. 1492
with Conference Committee Amendments
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Introduced by

Representative J. Nelson

1 A BILL for an Act to create and enact section 19-02.1-16.5 of the North Dakota Century Code,
2 relating to limitations on pharmacy benefits managers; to amend and reenact section
3 43-15-25.3 of the North Dakota Century Code, relating to permitting pharmacists to administer
4 SARS-CoV-2 tests; to provide a penalty; and to declare an emergency.

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

6 **SECTION 1.** Section 19-02.1-16.5 of the North Dakota Century Code is created and
7 enacted as follows:

8 **Pharmacy benefits managers - Prohibition on discrimination - Penalty.**

9 1. As used in this section:

10 a. "Pharmacy" means a pharmacy licensed under the laws of this state.

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

12 2. A pharmacy benefits manager may not discriminate against or interfere with a covered
13 entity participating under section 340B of the federal Public Health Service Act
14 [42 U.S.C. 201 et seq.] or a pharmacy under contract with a covered entity under
15 section 340B of the federal Public Health Service Act to provide pharmacy services on
16 behalf of the covered entity. This includes refusing to contract with a pharmacy.

17 3. A pharmacy benefits manager may not modify, by contract, provider manual, or other
18 means, the definition of pharmacy as defined in this section, reimburse a lower dollar
19 amount for a drug purchased under 340B than if the drug had been purchased outside
20 340B, or interfere with any section 340B pharmacy service between the covered entity
21 and the contracted pharmacy.

22 4. A pharmacy benefits manager may not directly or indirectly, on behalf of a pharmacy
23 benefits manager, a carrier, or a health plan, charge or hold a pharmacy responsible

1 for a fee for any step, component, or mechanism related to the claims adjudication
2 processing network.

3 5. Contract and claim information between the covered entity and contracted pharmacy
4 is confidential.

5 6. A pharmacy benefits manager that violates this section is guilty of a class B
6 misdemeanor for each violation occurrence.

7 **SECTION 2. AMENDMENT.** Section 43-15-25.3 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **43-15-25.3. Approved laboratory tests.**

10 Approved laboratory tests are the following waived screening tests: glucose monitoring
11 devices (FDA cleared/home use) 9221, cholesterol 1020, HDL cholesterol 2550, triglyceride
12 6118, and glycosylated hemoglobin (Hgb A1C) 2204, and SARS-CoV-2. Additional tests may be
13 added to this list as jointly determined by the board and the North Dakota board of medicine.

14 **SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure.