

March 15, 2021

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1492

Page 1, line 1, after "to" insert "create and enact section 19-02.1-16.5 of the North Dakota Century Code, relating to limitations on pharmacy benefits managers; to"

Page 1, line 2, after the semicolon insert "to provide a penalty;"

Page 1, after line 4, insert:

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

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

1. As used in this section:
  - a. "Pharmacy" means a pharmacy licensed under the laws of this state.
  - b. "Pharmacy benefits manager" has the same meaning as in section 19-03.6-01.
2. A pharmacy benefits manager may not discriminate against or interfere with a covered entity participating under section 340B of the federal Public Health Service Act [42 U.S.C. 201 et seq.] or a pharmacy under contract with a covered entity under section 340B of the federal Public Health Service Act to provide pharmacy services on behalf of the covered entity.
3. A pharmacy benefits manager may not modify, by contract, provider manual, or other means, the definition of pharmacy as defined in this section, implement discriminating pricing models, or interfere with any section 340B pharmacy service between the covered entity and the contracted pharmacy.
4. Contract and claim information between the covered entity and contracted pharmacy is confidential.
5. A pharmacy benefits manager that violates this section is guilty of a class B misdemeanor for each violation occurrence."

Renumber accordingly