

March 11, 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 and section 340B processors; 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 and section 340B processors - 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.
 - c. "Section 340B processor" means an entity that functions between a covered entity and a pharmacy in administering a Public Health Service Act [42 U.S.C. 201 et seq.] section 340B drug pricing program in accordance with the wishes of the covered entity.
2. A pharmacy benefits manager or section 340B processor may not discriminate against or interfere with a covered entity participating under section 340B of the federal Public Health Service Act or a pharmacy under contract with a covered entity under section 340B of the federal Public Health Service Act to provide prescriptions or 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. A pharmacy benefits manager or section 340B processor that violates this section is guilty of a class B misdemeanor for each violation occurrence."

Renumber accordingly