

HOUSE BILL NO. 1492

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 and section 340B processors; to amend
3 and reenact section 43-15-25.3 of the North Dakota Century Code, relating to permitting
4 pharmacists to administer SARS-CoV-2 tests; to provide a penalty; and to declare an
5 emergency.

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

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

9 **Pharmacy benefits managers and section 340B processors - Prohibition on**
10 **discrimination - Penalty.**

11 1. As used in this section:

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

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

14 c. "Section 340B processor" means an entity that functions between a covered
15 entity and a pharmacy in administering a Public Health Service Act [42 U.S.C.
16 201 et seq.] section 340B drug pricing program in accordance with the wishes of
17 the covered entity.

18 2. A pharmacy benefits manager or section 340B processor may not discriminate against
19 or interfere with a covered entity participating under section 340B of the federal Public
20 Health Service Act or a pharmacy under contract with a covered entity under section
21 340B of the federal Public Health Service Act to provide prescriptions or pharmacy
22 services on behalf of the covered entity.

23 3. A pharmacy benefits manager may not modify, by contract, provider manual, or other
24 means, the definition of pharmacy as defined in this section, implement discriminating

1 pricing models, or interfere with any section 340B pharmacy service between the
2 covered entity and the contracted pharmacy.

3 4. A pharmacy benefits manager or section 340B processor that violates this section is
4 guilty of a class B misdemeanor for each violation occurrence.

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

7 **43-15-25.3. Approved laboratory tests.**

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

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