

Fifty-eighth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1247

Introduced by

Representatives Niemeier, Gulleason

Senator Nelson

1 A BILL for an Act to create and enact a new section to chapter 26.1-36 and a new section to
2 chapter 54-52.1 of the North Dakota Century Code, relating to health insurance coverage and
3 public employee health insurance coverage for certain outpatient prescription drugs and
4 devices; and to provide for application.

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

6 **SECTION 1.** A new section to chapter 26.1-36 of the North Dakota Century Code is
7 created and enacted as follows:

8 **Health insurance policy and health insurance contract - Coverage for certain**
9 **outpatient prescription drugs and devices.** An insurance company, a nonprofit health
10 service corporation, or a health maintenance organization may not deliver, issue, execute, or
11 renew any health insurance policy, health service contract, or evidence of coverage that
12 provides benefits for outpatient prescription drugs or devices on an individual, group, blanket,
13 franchise, or association basis unless the policy, contract, or evidence of coverage provides
14 benefits for outpatient prescription drugs or devices of the same type offered under the policy or
15 contract for other outpatient prescription drugs or devices for health services to any person
16 covered under the policy or contract for outpatient hormone replacement therapy, regardless of
17 whether a woman is perimenopausal or postmenopausal; contraceptives, including emergency
18 contraceptives; infertility therapy; and osteoporosis treatment and management.

19 **SECTION 2.** A new section to chapter 54-52.1 of the North Dakota Century Code is
20 created and enacted as follows:

21 **Insurance to cover certain outpatient prescription drugs and devices.** The board
22 shall provide medical benefits coverage under a contract for insurance pursuant to section
23 54-52.1-04 or under a self-insurance plan pursuant to section 54-52.1-04.2 for outpatient
24 prescription drugs and devices in the same manner as provided under section 1 of this Act.

1 **SECTION 3. APPLICATION.** Notwithstanding any legislative measure approved by the
2 fifty-eighth legislative assembly which could affect the application or expiration of this Act, the
3 provisions of this Act apply as of August 1, 2003, and do not expire until specifically repealed by
4 the legislative assembly.