

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; 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.

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:

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

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, implement discriminating**
19 **pricing models, or interfere with any section 340B pharmacy service between the**
20 **covered entity and the contracted pharmacy.**

21 **4. Contract and claim information between the covered entity and contracted pharmacy**
22 **is confidential.**

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

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

3 **43-15-25.3. Approved laboratory tests.**

4 Approved laboratory tests are the following waived screening tests: glucose monitoring
5 devices (FDA cleared/home use) 9221, cholesterol 1020, HDL cholesterol 2550, triglyceride
6 6118, and glycosylated hemoglobin (Hgb A1C) 2204, and SARS-CoV-2. Additional tests may be
7 added to this list as jointly determined by the board and the North Dakota board of medicine.

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