

SENATE BILL NO. 2209

Introduced by

Senator Anderson

Representatives M. Nelson, Satrom

1 A BILL for an Act to create and enact a new section to chapter 19-02.1 and a new chapter to
2 title 19 of the North Dakota Century Code, relating to increased access to low-cost prescription
3 drugs; to amend section 43-15.3-12 of the North Dakota Century Code, relating to drug
4 wholesaler fees; to provide for a report; to provide a continuing appropriation; to provide for a
5 transfer; and to provide a contingent effective date.

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

7 **SECTION 1.** A new section to chapter 19-02.1 of the North Dakota Century Code is created
8 and enacted as follows:

9 **Exception - Drug importation.**

10 This chapter does not prohibit a manufacturer of a drug approved by the federal drug
11 administration from importing a version of the approved drug sold in foreign countries pursuant
12 to section 801 of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 384].

13 **SECTION 2.** A new chapter to title 19 of the North Dakota Century Code is created and
14 enacted as follows:

15 **Wholesale prescription drug importation program.**

- 16 1. ~~The state board of pharmacy, in consultation with appropriate federal and state~~
17 ~~agencies, other states, and interested parties, shall design~~ If another state creates a
18 wholesale prescription drug importation program for the importation of prescription
19 drugs from Canada in compliance with section 804 of the Federal Food, Drug, and
20 Cosmetic Act [21 U.S.C. 384] and this chapter, including requirements regarding
21 safety and cost-savings, the state department of health may contract with the other
22 state for the importation of prescription drugs from Canada.
- 23 2. The program must:

- 1 2. The state agency designated to oversee the program shall:
- 2 a. Become a licensed drug wholesaler or enter a contract with a drug wholesaler
- 3 licensed by the state.
- 4 b. Contract with one or more wholesale drug distributors licensed by the state.
- 5 c. Contract with one or more licensed and regulated prescription drug suppliers in
- 6 Canada.
- 7 d. Consult with health insurance carriers, employers, pharmacies, pharmacists,
- 8 health care providers, and consumers.
- 9 e. Develop a registration process for health insurance carriers, pharmacies, and
- 10 health care providers authorized to prescribe and administer prescription drugs
- 11 which are willing to participate in the program.
- 12 f. Create a publicly accessible website for listing the prices of imported prescription
- 13 drugs.
- 14 g. Develop a two-year audit work plan.
- 15 h. Conduct any other activity the agency determines necessary to successfully
- 16 implement and operate the program.

17 **Reporting.**

18 By June 1 of each year, the state agency designated to implement and operate the program
19 under this chapter shall provide a report to the legislative management regarding the
20 implementation and operation of the program during the previous calendar year. The report
21 must include:

- 22 1. The prescription drugs included in the program.
- 23 2. The number of participating pharmacies, health care providers, and health insurance
- 24 carriers.
- 25 3. The number of prescription drugs dispensed through the program.
- 26 4. The estimated cost-savings to consumers, health insurance carriers, employers, and
- 27 the state during the previous calendar year and over the course of the program.
- 28 5. Information regarding the implementation of the audit work plan and audit findings.
- 29 6. Any other information the state agency designated to oversee the program considers
- 30 relevant.

1 **SECTION 4. CONTINGENT EFFECTIVE DATE.** ~~The state board of pharmacy shall submit~~
2 ~~a request to the United States department of health and human services for approval and~~
3 ~~certification of a wholesale prescription drug importation program created under section 2 of this~~
4 ~~Act. Section 2 of this~~ This Act becomes effective six months following the date the president of
5 the state board of pharmacy department of health certifies to the legislative council the receipt of
6 ~~approval and certification of the state's~~ a contract with another state for the implementation of a
7 ~~wholesale prescription drug importation program from the United States department of health~~
8 ~~and human services.~~