

HOUSE BILL NO. 1053

Introduced by

Legislative Management

(Workers' Compensation Review Committee)

1 A BILL for an Act to create and enact section 65-02-20.1 of the North Dakota Century Code,
2 relating to workers' compensation benefits for generic drugs; ~~and to provide for a report;~~ to
3 provide for application; ~~and to provide an expiration date.~~

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

5 **SECTION 1.** Section 65-02-20.1 of the North Dakota Century Code is created and enacted
6 as follows:

7 **65-02-20.1. Pharmaceutical generic requirement.**

8 ~~If~~ For all controlled substances identified under subsection 3 of section 19-03.5-01, if a
9 generic or bioequivalent treatment is ~~becomes~~ available and the use of the generic or
10 bioequivalent treatment would not ~~create a life-threatening side effect~~ produce a verifiable
11 allergic reaction, the organization shall pay for a pharmaceutical treatment not to exceed the
12 cost of the generic or bioequivalent treatment. A dispute under this section must be resolved in
13 the same manner as set forth under section 65-02-20.

14 **SECTION 2. REPORT TO LEGISLATIVE MANAGEMENT.** During the 2011-12 interim, the
15 director of workforce safety and insurance or director's designee shall prepare and present a
16 report regarding dispense as written utilization information to the legislative management.

17 **SECTION 3. APPLICATION.** This Act applies to pharmaceutical treatments occurring on or
18 after the effective date of this Act.

19 **SECTION 4. EXPIRATION DATE.** This Act is effective through July 31, 2013, and after that
20 date is ineffective.