

February 18, 2021

PROPOSED AMENDMENTS TO REENGROSSED SENATE BILL NO. 2183

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact section 26.1-36-09.16 of the North Dakota Century Code, relating to accident and health insurance coverage of diabetes drugs; to amend and reenact subsection 2 of section 26.1-36.6-03 of the North Dakota Century Code, relating to public employees self-insurance health plans; to provide for application; to provide an effective date; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Section 26.1-36-09.16 of the North Dakota Century Code is created and enacted as follows:

26.1-36-09.16. Insulin drug cost-sharing limitations.

1. As used in this section:
 - a. "Cost-sharing" includes copayments and coinsurance.
 - b. "Insulin drug" means a prescription drug that contains insulin and is used to treat a form of diabetes mellitus. The term does not include an insulin pump, an electronic insulin-administering smart pen, or a continuous glucose monitor, or supplies needed specifically for the use of such electronic devices. The term includes insulin in the following categories:
 - (1) Rapid-acting insulin;
 - (2) Short-acting insulin;
 - (3) Intermediate-acting insulin;
 - (4) Long-acting insulin;
 - (5) Premixed insulin product;
 - (6) Premixed insulin/GLP-1 RA product; and
 - (7) Concentrated human regular insulin.
 - c. "Pharmacy or distributor" means a pharmacy or medical supply company, or other medication or medical supply distributor filling a covered individual's prescriptions.
 - d. "Policy" means an accident and health insurance policy, contract, or evidence of coverage on a group, individual, blanket, franchise, or association basis.
2. An insurer may not deliver, issue, execute, or renew a policy that provides coverage for an insulin drug unless the policy complies with this section.

3. The policy must provide cost-sharing for up to a thirty-day supply of a prescribed insulin drug which may not exceed twenty-five dollars per pharmacy or distributor, regardless of the quantity or type of insulin drug used to fill the covered individual's prescription needs.
4. A policy may not allow a pharmacy benefits manager or the pharmacy or distributor to charge, require the pharmacy or distributor to collect, or require a covered individual to make, a cost-sharing payment for a covered insulin drug in an amount that exceeds the amount of the cost-sharing payment for the prescribed insulin drugs under subsection 3.
5. Subsection 3 does not require a policy to implement cost-sharing and does not prevent the implementation of cost-sharing in an amount less than the amount specified under subsection 3. Subsection 3 does not limit cost-sharing on an insulin pump, an electronic insulin-administering smart pen, or a continuous glucose monitor. This section does not limit whether a policy classifies an insulin pump, an electronic insulin-administering smart pen, or a continuous glucose monitor as a drug or as a medical device or supply.

SECTION 2. AMENDMENT. Subsection 2 of section 26.1-36.6-03 of the North Dakota Century Code is amended and reenacted as follows:

2. The following health benefit provisions applicable to a group accident and health insurance policy under chapter 26.1-36 apply to a self-insurance health plan and are subject to the jurisdiction of the commissioner:
26.1-36-06, 26.1-36-06.1, 26.1-36-07, 26.1-36-08, 26.1-36-08.1,
26.1-36-09, 26.1-36-09.1, 26.1-36-09.2, 26.1-36-09.3, 26.1-36-09.5,
26.1-36-09.6, 26.1-36-09.7, 26.1-36-09.8, 26.1-36-09.9, 26.1-36-09.10,
26.1-36-09.11, 26.1-36-09.12, 26.1-36-09.13, 26.1-36-09.14,
26.1-36-09.15, 26.1-36-09.16, 26.1-36-11, 26.1-36-12.2, 26.1-36-20,
26.1-36-21, 26.1-36-22, 26.1-36-23.1, and 26.1-36-43.

SECTION 3. APPLICATION. This Act applies to a policy delivered, issued, executed, or renewed after June 30, 2021.

SECTION 4. EFFECTIVE DATE. This Act becomes effective on July 1, 2021.

SECTION 5. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly