

Introduced by

Senators Dever, Mathern

Representatives Hanson, Keiser, Pyle, Schauer

1 A BILL for an Act to create and enact section 26.1-36-09.16 of the North Dakota Century Code,
2 relating to accident and health insurance coverage of diabetes drugs and supplies; to amend
3 and reenact section 26.1-36.6-03 of the North Dakota Century Code, relating to public
4 employees self-insurance health plans; to provide for application; to provide an effective date;
5 and to declare an emergency.

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

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

9 **26.1-36-09.16. Insulin drug and supply cost-sharing limitations and formulary**
10 **limitations.**

11 1. As used in this section:

12 a. "Cost-sharing" includes copayments and coinsurance.

13 b. "Insulin drug" means a prescription drug that contains insulin and is used to treat

14 a form of diabetes mellitus. The term does not include an insulin pump, an

15 electronic insulin-administering smart pen, or a continuous glucose monitor, or

16 supplies needed specifically for the use of such electronic devices. The term

17 includes insulin in the following categories:

18 (1) Rapid-acting insulin;

19 (2) Short-acting insulin;

20 (3) Intermediate-acting insulin;

21 (4) Long-acting insulin;

22 (5) Premixed insulin product;

23 (6) Premixed insulin/GLP-1 RA product; and

24 (7) Concentrated human regular insulin.

- 1 | b.c. "Medical supplies for insulin dosing and administration" means supplies needed
2 | for proper insulin dosing, as well as supplies needed to detect or address medical
3 | emergencies in an individual using insulin to manage diabetes mellitus. The term
4 | does not include an insulin pump, an electronic insulin-administering smart pen,
5 | or a continuous glucose monitor, or supplies needed specifically for the use of
6 | such electronic devices. The term includes:
- 7 | (1) Blood glucose meters;
8 | (2) Blood glucose test strips;
9 | (3) Lancing devices and lancets;
10 | (4) Ketone testing supplies, such as urine strips, blood ketone meters, and
11 | blood ketone strips;
12 | (5) Glucagon, injectable or nasal forms;
13 | (6) Insulin pen needles; and
14 | (7) Insulin syringes.
- 15 | e.d. "Pharmacy or distributor" means a pharmacy or medical supply company, or
16 | other medication or medical supply distributor filling a covered individual's
17 | prescriptions.
- 18 | e.e. "Policy" means an accident and health insurance policy, contract, or evidence of
19 | coverage on a group, individual, blanket, franchise, or association basis.
- 20 | 2. An insurer may not deliver, issue, execute, or renew a policy that provides coverage
21 | for an insulin drug or medical supplies for insulin dosing and administration unless the
22 | policy complies with this section.
- 23 | 3. The policy must provide cost-sharing for a thirty-day supply of:
- 24 | a. Prescribed insulin drugs which may not exceed twenty-five dollars per pharmacy
25 | or distributor, regardless of the quantity or type of insulin drug used to fill the
26 | covered individual's prescription needs.
- 27 | b. Prescribed medical supplies for insulin dosing and administration, the total of
28 | which may not exceed twenty-five dollars per pharmacy or distributor, regardless
29 | of the quantity or manufacturer of supplies used to fill the covered individual's
30 | prescription needs.

1 4. A policy may not allow a pharmacy benefits manager or the pharmacy or distributor to
2 charge, require the pharmacy or distributor to collect, or require a covered individual to
3 make, a cost-sharing payment for a covered insulin drug or medical supplies for insulin
4 dosing and administration in an amount that exceeds the amount of the cost-sharing
5 payment for the prescribed insulin drugs or prescribed medical supplies for insulin
6 dosing and administration under subsection 3.

7 ~~5. A policy may not allow for the use of a formulary to determine coverage of an insulin~~
8 ~~drug or medical supplies for insulin dosing and administration.~~

9 ~~6. Subsection 3 does not require a policy to implement cost-sharing and does not~~
10 ~~prevent the implementation of cost-sharing in an amount less than the amount~~
11 ~~specified under subsection 3. Subsection 3 does not limit cost-sharing on an insulin~~
12 ~~pump, an electronic insulin-administering smart pen, or a continuous glucose monitor.~~
13 ~~This section does not limit whether a policy classifies an insulin pump, an electronic~~
14 ~~insulin-administering smart pen, or a continuous glucose monitor as a drug or as a~~
15 ~~medical device or supply.~~

16 **SECTION 2. AMENDMENT.** Section 26.1-36.6-03 of the North Dakota Century Code is
17 amended and reenacted as follows:

18 **26.1-36.6-03. Self-insurance health plans - Requirements.**

- 19 1. The following policy provisions apply to a self-insurance health plan or to the
20 administrative services only or third-party administrator, and are subject to the
21 jurisdiction of the commissioner: 26.1-36-03, 26.1-36-03.1, 26.1-36-05, 26.1-36-10,
22 26.1-36-12, 26.1-36-12.4, 26.1-36-12.6, 26.1-36-13, 26.1-36-14, 26.1-36-17,
23 26.1-36-18, 26.1-36-19, 26.1-36-23, 26.1-36-29, 26.1-36-37.1, 26.1-36-38, 26.1-36-39,
24 26.1-36-41, 26.1-36-44, and 26.1-36-46.
- 25 2. The following health benefit provisions applicable to a group accident and health
26 insurance policy under chapter 26.1-36 apply to a self-insurance health plan and are
27 subject to the jurisdiction of the commissioner: 26.1-36-06, 26.1-36-06.1, 26.1-36-07,
28 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,
29 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,
30 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,

Sixty-seventh
Legislative Assembly

1 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,
2 26.1-36-23.1, and 26.1-36-43.

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

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

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

February 2, 2021

PROPOSED AMENDMENTS TO SENATE BILL NO. 2183

Page 1, line 9, remove "**and formulary**"

Page 1, line 10, remove "**limitations**"

Page 1, line 12, after "a." insert "Cost-sharing" includes copayments and coinsurance.

b."

Page 2, line 1, replace "b." with "c."

Page 2, line 15, replace "c." with "d."

Page 2, line 18, replace "d." with "e."

Page 3, line 7, remove "A policy may not allow for the use of a formulary to determine coverage of an insulin"

Page 3, remove line 8

Page 3, line 9, remove "6."

Renumber accordingly

*moved by Anderson
Hogan 2nd*

