

Introduced by

Representative Mock

1 A BILL for an Act to amend and reenact sections 19-02.1-16.3 and 26.1-36.6-03 of the North
2 Dakota Century Code, relating to step therapy protocols and self-insurance health plans.

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

4 **SECTION 1. AMENDMENT.** Section 19-02.1-16.3 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **19-02.1-16.3. Pharmacy benefits managers - Step therapy protocols - Limitations.**

7 1. As used in this section:

8 a. "Associated condition" means a symptom or side effect associated with
9 metastatic cancer or its treatment and which, in the judgment of the health care
10 practitioner, further jeopardizes the health of an individual if left untreated.

11 b. "Metastatic cancer" means cancer that has spread from the primary or original
12 site to lymph nodes, nearby tissues, or other parts of the body.

13 ~~b.c.~~ "Pharmacy benefits manager" has the same meaning as in section 19-03.6-01.

14 ~~e.d.~~ "Step therapy protocol" means a protocol requiring an individual use a drug, or
15 sequence of drugs, other than the prescription drug, or sequence of prescription
16 drugs, the individual's health care provider recommends for the individual's
17 treatment, before the pharmacy benefits manager or health plan allows coverage
18 for the recommended prescription drug, or sequence of prescription drugs.

19 2. A pharmacy benefits manager or a health plan may not require a step therapy protocol
20 for coverage of a recommended prescription drug, or sequence of prescription drugs,
21 approved by the United States food and drug administration if:

22 a. The recommended prescription drug, or sequence of prescription drugs, is
23 prescribed to treat the individual's diagnosis of metastatic cancer or an
24 associated condition; and

1 b. The use of the recommended prescription drug, or sequence of prescription
2 drugs, is consistent with the United States food and drug administration-approved
3 indications or is supported by peer-reviewed medical literature.

4 3. This section does not require coverage of a nonformulary prescription drug.

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

7 **26.1-36.6-03. Self-insurance health plans - Requirements. (Effective through July 31,**
8 **2025)**

9 1. The following policy provisions apply to a self-insurance health plan or to the
10 administrative services only or third-party administrator, and are subject to the
11 jurisdiction of the commissioner: sections 26.1-36-03, 26.1-36-03.1, 26.1-36-05,
12 26.1-36-10, 26.1-36-12, 26.1-36-12.4, 26.1-36-12.6, 26.1-36-13, 26.1-36-14,
13 26.1-36-17, 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,
14 26.1-36-39, 26.1-36-41, 26.1-36-44, and 26.1-36-46.

15 2. The following health benefit provisions applicable to a group accident and health
16 insurance policy under chapter 26.1-36 apply to a self-insurance health plan and are
17 subject to the jurisdiction of the commissioner: sections 26.1-36-06, 26.1-36-06.1,
18 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,
19 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,
20 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,
21 26.1-36-09.15, 26.1-36-11, 26.1-36-12.2, 26.1-36-20, 26.1-36-21, 26.1-36-22,
22 26.1-36-23.1, and 26.1-36-43. Section 54-52.1-04.18 applies to a self-insurance health
23 plan and is subject to the jurisdiction of the commissioner.

24 **Self-insurance health plans - Requirements. (Effective after July 31, 2025)**

25 1. The following policy provisions apply to a self-insurance health plan or to the
26 administrative services only or third-party administrator, and are subject to the
27 jurisdiction of the commissioner: sections 26.1-36-03, 26.1-36-03.1, 26.1-36-05,
28 26.1-36-10, 26.1-36-12, 26.1-36-12.4, 26.1-36-12.6, 26.1-36-13, 26.1-36-14,
29 26.1-36-17, 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,
30 26.1-36-39, 26.1-36-41, 26.1-36-44, and 26.1-36-46.

- 1 2. The following health benefit provisions applicable to a group accident and health
2 insurance policy under chapter 26.1-36 apply to a self-insurance health plan and are
3 subject to the jurisdiction of the commissioner: sections 26.1-36-06, 26.1-36-06.1,
4 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,
5 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,
6 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,
7 26.1-36-09.15, 26.1-36-11, 26.1-36-12.2, 26.1-36-20, 26.1-36-21, 26.1-36-22,
8 26.1-36-23.1, and 26.1-36-43. Section 19-02.1-16.3 applies to a self-insurance health
9 plan and is subject to the jurisdiction of the commissioner.