

Sixty-eighth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1413

Introduced by

Representatives Karls, Kiefert, Rohr, Satrom, Steiner

Senator Dever

1 A BILL ~~for an Act to create and enact a new section to chapter 26.1-36 of the North Dakota~~
2 ~~Century Code, relating to out-of-pocket expenses for health care services.~~for an Act to provide
3 for a legislative management study relating to prescription drug coupon and financial assistance
4 program utilization.

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

6 ~~SECTION 1. A new section to chapter 26.1-36 of the North Dakota Century Code is created~~
7 ~~and enacted as follows:~~

8 ~~Out-of-pocket expenses - Health care services.~~

9 ~~1. As used in this section:~~

10 ~~a. "Cost sharing" means any coinsurance or deductible under a policy.~~

11 ~~b. "Enrollee" means an individual entitled to health care services under a policy.~~

12 ~~c. "Health care services" means items or services furnished to an enrollee for the~~
13 ~~purpose of preventing, alleviating, curing, or healing human illness, injury, or~~
14 ~~physical disability.~~

15 ~~d. "Policy" means an accident and health insurance policy, contract, or evidence of~~
16 ~~coverage on a group, individual, blanket, franchise, or association basis.~~

17 ~~2. To the extent permitted by federal law and regulation, an insurer may not deliver,~~
18 ~~issue, execute, or renew a policy that provides health care services coverage unless~~
19 ~~that policy provides when calculating an enrollee's overall contribution to any~~
20 ~~out-of-pocket maximum or any cost-sharing requirement under the policy, the~~
21 ~~calculation must include any amount paid by the enrollee or paid on behalf of the~~
22 ~~enrollee by another person.~~

23 **SECTION 1. LEGISLATIVE MANAGEMENT STUDY - PRESCRIPTION DRUG COUPON**
24 **AND FINANCIAL ASSISTANCE PROGRAM UTILIZATION.** During the 2023-24 interim, the

1 legislative management shall consider studying the prevalence and usage of third-party
2 payments to reduce or eliminate North Dakota patients' cost sharing and out-of-pocket costs for
3 prescription drugs, including programs offered by the manufacturer of a prescription drug. The
4 study must include the prevalence and usage of third-party payments by the manufacturer of
5 prescription drugs and in the North Dakota commercial insurance market. The study must also
6 include the prevalence and usage of third-party payments in government programs and the
7 availability of those programs to uninsured residents, eligibility criteria, and the impact of these
8 programs on health care costs and prescription drug pricing. In conducting the study, input must
9 be received from health insurance carriers, patients or patient groups, prescription drug
10 manufacturers, pharmacy benefit managers, pharmacies or pharmacy association
11 representatives, government and independent academic sources, and any other stakeholder
12 with relevant information. Participants shall disclose any ties or financial compensation received
13 by any entities in the prescription drug supply chain. The legislative management shall report its
14 findings and recommendations, together with any proposed legislation required to implement
15 the recommendations, to the sixty-ninth legislative assembly.