

Sixty-ninth  
Legislative Assembly  
of North Dakota

## PROPOSED AMENDMENTS TO

### HOUSE BILL NO. 1114

Introduced by

Government and Veterans Affairs Committee

(North Dakota Public Employees Retirement System)

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 individual and group health insurance coverage of insulin drugs and  
3 supplies; and to amend and reenact section 54-52.1-04.18 of the North Dakota Century Code,  
4 relating to health insurance benefits coverage of insulin drugs and supplies.

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 **Health insurance benefits coverage - Insulin drug and supply out-of-pocket**  
9 **limitations.**

10 1. As used in this section:

11 a. "Health benefit plan" has the same meaning as in section 26.1-36.3-01.

12 b. "Insulin drug" means a prescription drug that contains insulin and is used to treat  
13 a form of diabetes mellitus. The term does not include an insulin pump, an  
14 electronic insulin-administering smart pen, or a continuous glucose monitor, or  
15 supplies needed specifically for the use of such electronic devices. The term  
16 includes insulin in the following categories:

17 (1) Rapid-acting insulin;

18 (2) Short-acting insulin;

19 (3) Intermediate-acting insulin;

20 (4) Long-acting insulin;

- 1                   (5) Premixed insulin product;
- 2                   (6) Premixed insulin/GLP-1 RA product; and
- 3                   (7) Concentrated human regular insulin.

4           **b.c.** "Medical supplies for insulin dosing and administration" means supplies needed  
5                   for proper insulin dosing, as well as supplies needed to detect or address medical  
6                   emergencies in an individual using insulin to manage diabetes mellitus. The term  
7                   does not include an insulin pump, an electronic insulin-administering smart pen,  
8                   or a continuous glucose monitor, or supplies needed specifically for the use of  
9                   such electronic devices. The term includes:

- 10                   (1) Blood glucose meters;
- 11                   (2) Blood glucose test strips;
- 12                   (3) Lancing devices and lancets;
- 13                   (4) Ketone testing supplies, such as urine strips, blood ketone meters, and  
14                   blood ketone strips;
- 15                   (5) Glucagon, in injectable and nasal forms;
- 16                   (6) Insulin pen needles; and
- 17                   (7) Insulin syringes.

18           **e.d.** "Pharmacy or distributor" means a pharmacy or medical supply company, or  
19                   other medication or medical supply distributor filling a prescription.

- 20           2. An insurance company, nonprofit health service corporation, or health maintenance  
21                   organization may not deliver, issue, execute, or renew any health ~~insurance policy,~~  
22                   ~~health service contract, or evidence of coverage on an individual, group, blanket,~~  
23                   ~~franchise, or association basis~~ **benefit plan** unless the ~~policy, contract, or evidence of~~  
24                   ~~coverage~~ **health benefit plan** provides benefits for insulin drug and medical supplies for  
25                   insulin dosing and administration which complies with this section.
- 26           3. The health benefit plan must limit out-of-pocket costs for a thirty-day supply of:
  - 27                   a. Covered insulin drugs, which may not exceed twenty-five dollars per pharmacy or  
28                   distributor, regardless of the quantity or type of insulin drug used to fill the  
29                   covered individual's prescription needs.
  - 30                   b. Covered medical supplies for insulin dosing and administration, the total of which  
31                   may not exceed twenty-five dollars per pharmacy or distributor, regardless of the

1                   quantity or manufacturer of supplies used to fill the covered individual's  
2                   prescription needs.

3       4.   The health benefit plan may not allow a pharmacy benefits manager or the pharmacy  
4       or distributor to charge a covered individual, require the pharmacy or distributor to  
5       collect from a covered individual, or require a covered individual to make a payment  
6       for a covered insulin drug or medical supplies for insulin dosing and administration in  
7       an amount exceeding the out-of-pocket limits under subsection 3.

8       5.   The health benefit plan may not impose a deductible, copayment, coinsurance, or  
9       other cost-sharing requirement that causes out-of-pocket costs for prescribed insulin  
10       or medical supplies for insulin dosing and administration to exceed the amount under  
11       subsection 3.

12       6.   Subsection 3 does not require the health benefit plan to implement a particular cost-  
13       sharing structure and does not prevent the limitation of out-of-pocket costs to less than  
14       the amount specified under subsection 3. This section does not limit whether the  
15       health benefit plan classifies an insulin pump, an electronic insulin-administering smart  
16       pen, or a continuous glucose monitor as a drug or as a medical device or supply.

17       7.   If application of subsection 3 would result in the ineligibility of a health benefit plan that  
18       is a qualified high-deductible health plan to qualify as a health savings account under  
19       section 223 of the Internal Revenue Code [26 U.S.C. 223], the requirements of  
20       subsection 3 do not apply with respect to the deductible of the health benefit plan until  
21       after the enrollee has met the minimum deductible under section 26 U.S.C. 223.

22       8.   This section does not apply to the Medicare part D prescription drug coverage plan.

23       **SECTION 2. AMENDMENT.** Section 54-52.1-04.18 of the North Dakota Century Code is  
24 amended and reenacted as follows:

25       **54-52.1-04.18. Health insurance benefits coverage - Insulin drug and supply out-of-**  
26 **pocket limitations. (Expired effective July 31, 2025)**

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

28           a. ~~"Insulin drug" means a prescription drug that contains insulin and is used to treat~~  
29           ~~a form of diabetes mellitus. The term does not include an insulin pump, an~~  
30           ~~electronic insulin-administering smart pen, or a continuous glucose monitor, or~~

1 supplies needed specifically for the use of such electronic devices. The term  
2 includes insulin in the following categories:

- 3 (1) Rapid-acting insulin;
- 4 (2) Short-acting insulin;
- 5 (3) Intermediate-acting insulin;
- 6 (4) Long-acting insulin;
- 7 (5) Premixed insulin product;
- 8 (6) Premixed insulin/GLP-1 RA product; and
- 9 (7) Concentrated human regular insulin.

10 b. "Medical supplies for insulin dosing and administration" means supplies needed  
11 for proper insulin dosing, as well as supplies needed to detect or address medical  
12 emergencies in an individual using insulin to manage diabetes mellitus. The term  
13 does not include an insulin pump, an electronic insulin-administering smart pen,  
14 or a continuous glucose monitor, or supplies needed specifically for the use of  
15 such electronic devices. The term includes:

- 16 (1) Blood glucose meters;
- 17 (2) Blood glucose test strips;
- 18 (3) Lancing devices and lancets;
- 19 (4) Ketone testing supplies, such as urine strips, blood ketone meters, and  
20 blood ketone strips;
- 21 (5) Glucagon, in injectable and nasal forms;
- 22 (6) Insulin pen needles; and
- 23 (7) Insulin syringes.

24 e. "Pharmacy or distributor" means a pharmacy or medical supply company, or  
25 other medication or medical supply distributor filling a covered individual's  
26 prescriptions.

27 2. The board shall provide health insurance benefits coverage that provides for insulin drug  
28 and medical supplies for insulin dosing and administration ~~which complies with this section~~  
29 provided under section 1 of this Act.

30 3. The coverage must limit out-of-pocket costs for a thirty-day supply of:

- 1           a. ~~Covered insulin drugs which may not exceed twenty-five dollars per pharmacy or~~  
2           ~~distributor, regardless of the quantity or type of insulin drug used to fill the~~  
3           ~~covered individual's prescription needs.~~
- 4           b. ~~Covered medical supplies for insulin dosing and administration, the total of which~~  
5           ~~may not exceed twenty-five dollars per pharmacy or distributor, regardless of the~~  
6           ~~quantity or manufacturer of supplies used to fill the covered individual's~~  
7           ~~prescription needs.~~
- 8       4. ~~The coverage may not allow a pharmacy benefits manager or the pharmacy or~~  
9       ~~distributor to charge, require the pharmacy or distributor to collect, or require a~~  
10       ~~covered individual to make a payment for a covered insulin drug or medical supplies~~  
11       ~~for insulin dosing and administration in an amount that exceeds the out-of-pocket limits~~  
12       ~~set forth under subsection 3.~~
- 13       5. ~~The coverage may not impose a deductible, copayment, coinsurance, or other cost-~~  
14       ~~sharing requirement that causes out-of-pocket costs for prescribed insulin or medical~~  
15       ~~supplies for insulin dosing and administration to exceed the amount set forth under~~  
16       ~~subsection 3.~~
- 17       6. ~~Subsection 3 does not require the coverage to implement a particular cost-sharing~~  
18       ~~structure and does not prevent the limitation of out-of-pocket costs to less than the~~  
19       ~~amount specified under subsection 3. Subsection 3 does not limit out-of-pocket costs~~  
20       ~~on an insulin pump, an electronic insulin-administering smart pen, or a continuous-~~  
21       ~~glucose monitor. This section does not limit whether coverage classifies an insulin-~~  
22       ~~pump, an electronic insulin-administering smart pen, or a continuous glucose monitor~~  
23       ~~as a drug or as a medical device or supply.~~
- 24       7. ~~If application of subsection 3 would result in the ineligibility of a health benefit plan that~~  
25       ~~is a qualified high-deductible health plan to qualify as a health savings account under~~  
26       ~~section 223 of the Internal Revenue Code [26 U.S.C. 223], the requirements of~~  
27       ~~subsection 3 do not apply with respect to the deductible of the health benefit plan until~~  
28       ~~after the enrollee has satisfied the minimum deductible under section 26 U.S.C. 223.~~
- 29       8. ~~This section does not apply to the Medicare part D prescription drug coverage plan.~~