

HOUSE BILL NO. 1473

Introduced by

Representatives Nelson, Mitskog, Murphy, Bahl, O'Brien

Senators Axtman, Dever, Lee

1 A BILL for an Act to create and enact a new subsection to section 43-15.3-08 of the North
2 Dakota Century Code, relating to prohibited acts of drug manufacturers; and to provide a
3 penalty.

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

5 **SECTION 1.** A new subsection to section 43-15.3-08 of the North Dakota Century Code is
6 created and enacted as follows:

7 a. For purposes of this subsection:

8 (1) "Contract pharmacy" means a pharmacy that has a contract with a covered
9 entity to receive and dispense drugs to the covered entity's patients on its
10 behalf.

11 (2) "Covered entity" means an entity participating or authorized to participate in
12 a federal drug discount program under 42 U.S.C. 256b.

13 (3) "Drug" means a drug purchased under reduced pricing under section 340B
14 of the federal Public Health Service Act [42 U.S.C. 201 et seq.] by a covered
15 entity.

16 b. Except as otherwise provided under section 43-15.3-09, it is a class B
17 misdemeanor for a manufacturer, an agent or affiliate of that manufacturer, virtual
18 manufacturer, or third-party logistics provider of a manufacturer's drugs, to:

19 (1) Directly or indirectly deny, restrict, prohibit, or otherwise interfere with the
20 acquisition of a drug by a contract pharmacy on behalf of a covered entity
21 unless receipt of the drug is prohibited by federal law.

22 (2) Prohibit a contract pharmacy from dispensing a drug by denying access to
23 the drug.

- 1 (3) Require a covered entity or contract pharmacy to submit any claims,
2 encounter, or utilization data as a condition for acquiring or receiving a drug,
3 unless the claims, encounter, or utilization data sharing is required by
4 federal law.
- 5 (4) Interfere with the ability of a covered entity or contract pharmacy to
6 dispense a drug to an eligible patient of the covered entity.
- 7 (5) Offer or otherwise make available a drug in the form of a rebate, unless in
8 the form of a discount at the time of sale and authorized under federal law.
- 9 c. This subsection does not apply to the limited distribution of a drug as required
10 under 21 U.S.C. 355-1.