

**Sixty-ninth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 7, 2025**

SENATE BILL NO. 2370
(Senators Cleary, Dever, Mathern)
(Representative McLeod)

AN ACT to provide for a legislative management study regarding prescription drug transparency reporting under the federal drug discount program.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE MANAGEMENT STUDY - PRESCRIPTION DRUG TRANSPARENCY REPORTING.

1. During the 2025-26 interim, the legislative management shall study establishing reporting requirements for covered entities in North Dakota which participate in the federal drug discount program under 42 U.S.C. 256b, and how reported data could be used to develop public policy that directly benefits patients in North Dakota.
2. The study must include:
 - a. Consideration of the various entities participating in the federal drug discount program that should be required to report data to this state, including health care facilities, contract pharmacies, federally qualified health centers, drug manufacturers, pharmacy benefits managers, and health insurers.
 - b. Consideration of the specific data elements that each entity should be required to report.
 - c. Exploration of methods of reporting, compiling, and sharing the compiled data which provide the greatest benefit to patients in North Dakota.
 - d. Analysis of issues relating to the confidentiality and disclosure of the data.
 - e. Consideration of reporting enforcement mechanisms, including civil penalties for failing to report.
 - f. Input from and consultation with stakeholders, including:
 - (1) A professional association representing hospitals in North Dakota.
 - (2) A professional association representing pharmacies in North Dakota.
 - (3) A professional association representing federally qualified health centers in North Dakota.
 - (4) A professional association representing rural health in North Dakota.
 - (5) A professional association representing innovative pharmaceutical manufacturers.
 - (6) The insurance department.
 - (7) The department of health and human services.
 - (8) The North Dakota board of pharmacy.
 - (9) Hospitals participating in the federal drug discount program.
 - (10) Federally qualified health centers.

- (11) Pharmacies that have contracts with covered entities participating in the federal drug discount program.
 - (12) Health insurers.
- 3. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the seventieth legislative assembly.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-ninth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2370.

Senate Vote: Yeas 40 Nays 5 Absent 2

House Vote: Yeas 77 Nays 12 Absent 5

Secretary of the Senate

Received by the Governor at _____ M. on _____, 2025.

Approved at _____ M. on _____, 2025.

Governor

Filed in this office this _____ day of _____, 2025,

at _____ o'clock _____ M.

Secretary of State