

Sixty-fifth  
Legislative Assembly  
of North Dakota

## ENGROSSED SENATE BILL NO. 2301

Introduced by

Senators Anderson, Dever, J. Lee

Representatives Kasper, Seibel, Weisz

1 A BILL for an Act to create and enact a new section to chapter 19-02.1 of the North Dakota  
2 Century Code, relating to specialty pharmacy services; to provide a penalty; and to provide for  
3 application.

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

5 **SECTION 1.** A new section to chapter 19-02.1 of the North Dakota Century Code is created  
6 and enacted as follows:

7 **Specialty pharmacy services and patient access to pharmaceuticals - Pharmacy**  
8 **benefits managers - Penalty.**

9 1. As used in this section:

10 a. "Pharmacy benefits manager" has the same meaning as in section 19-03.6-01.

11 b. "Plan sponsor" has the same meaning as in section 19-03.6-01.

12 c. "Specialty drug" means a prescription drug that:

13 (1) Is not available for order or purchase by a retail community pharmacy and  
14 long-term care pharmacy, regardless of whether the drug is meant to be  
15 self-administered; and

16 (2) Requires special storage and has distribution or inventory limitations not  
17 available at a retail community pharmacy or long-term care pharmacy.

18 d. "Third-party payer" has the same meaning as in section 19-03.6-01.

19 2. A pharmacy benefits manager or third-party payer that has an ownership interest,

20 either directly or through an affiliate or subsidiary, in a pharmacy shall disclose to a

21 plan sponsor contracted payer any difference between the amount paid to a pharmacy

22 and the amount charged to the plan sponsor contracted payer.

23 3. A pharmacy benefits manager or a pharmacy benefits manager's affiliates or

24 subsidiaries may not own or have an ownership interest in a patient assistance

1           program and a mail order specialty pharmacy, unless the pharmacy benefits manager,  
2           affiliate, or subsidiary agrees to fair competition, no self-dealing, and no interference  
3           with prospective economic advantage and establishes a firewall between the  
4           administrative functions and the mail order pharmacy.

5           4. A pharmacy benefits manager or third-party payer may not require pharmacy  
6           accreditation standards or recertification requirements to participate in a network  
7           which are inconsistent with, more stringent than, or in addition to the federal and state  
8           requirements for licensure as a pharmacy in this state.

9           5. A licensed pharmacy or pharmacist may dispense any and all drugs allowed under  
10          that license.

11          6. A pharmacy benefits manager or other third-party payer that violates this section is  
12          guilty of a class B misdemeanor for each violation occurrence.

13          **SECTION 2. APPLICATION.** This Act applies to contracts and agreements in effect on and  
14          after the effective date of this Act.