

**Sixty-fifth Legislative Assembly of North Dakota  
In Regular Session Commencing Tuesday, January 3, 2017**

HOUSE BILL NO. 1120  
(Human Services Committee)  
(At the request of the Department of Human Services)

AN ACT to amend and reenact subsection 3 of section 50-24.6-04 of the North Dakota Century Code, relating to the prior authorization program.

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

**SECTION 1. AMENDMENT.** Subsection 3 of section 50-24.6-04 of the North Dakota Century Code is amended and reenacted as follows:

3.
  - a. ~~Except~~For individuals twenty-one years of age and older, ~~except~~ for quantity limits that may be no less than the pharmaceutical manufacturer's package insert, ~~or~~ brand name drugs with a generic equivalent drug for which the cost to the state postrebate is less than the brand name drugs, in the aggregate, or generic drugs with a brand name equivalent drug for which the cost to the state postrebate is less than the generic drug, the department may not prior authorize the following medication classes:
    - a. (1) Antipsychotics;
    - b. (2) Antidepressants;
    - c. (3) Anticonvulsants;
    - d. (4) Antiretrovirals, for the treatment of human immunodeficiency virus;
    - e. (5) Antineoplastic agents, for the treatment of cancer; and
    - f. (6) Stimulant medication used for the treatment of attention deficit disorder and attention deficit hyperactivity disorder.
  - b. For individuals under twenty-one years of age, except for quantity limits that may be no less than the pharmaceutical manufacturer's package insert, brand name drugs with a generic equivalent drug for which the cost to the state postrebate is less than the brand name drugs, in the aggregate, or generic drugs with a brand name equivalent drug for which the cost to the state postrebate is less than the generic drug, the department may not prior authorize the following medication classes:
    - (1) Antipsychotics;
    - (2) Antidepressants;
    - (3) Anticonvulsants;
    - (4) Antiretrovirals, for the treatment of human immunodeficiency virus;
    - (5) Antineoplastic agents, for the treatment of cancer; and
    - (6) Stimulant medication used for the treatment of attention deficit hyperactivity disorder.
  - c. The restrictions of subdivision b do not apply for individuals under twenty-one years of age, who have five or more concurrent prescriptions for psychotropic medications.

- d. Prior authorization for individuals under twenty-one years of age is required for five or more concurrent prescriptions for antipsychotics, antidepressants, anticonvulsants, benzodiazepines, mood stabilizers, sedative, hypnotics, or medications used for the treatment of attention deficit hyperactivity disorder. The department shall grant authorization to exceed the limits after a prescriber requesting authorization consults with a board certified pediatric psychiatrist approved by the department.

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Speaker of the House

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President of the Senate

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Chief Clerk of the House

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Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-fifth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1120.

House Vote:    Yeas 89            Nays 0            Absent 5

Senate Vote:    Yeas 45            Nays 1            Absent 1

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Chief Clerk of the House

Received by the Governor at \_\_\_\_\_ M. on \_\_\_\_\_, 2017.

Approved at \_\_\_\_\_ M. on \_\_\_\_\_, 2017.

\_\_\_\_\_  
Governor

Filed in this office this \_\_\_\_\_ day of \_\_\_\_\_, 2017,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State