

Sixty-sixth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1469

Introduced by

Representatives Mock, Devlin, Kasper, Louser, D. Ruby

Senators Anderson, Dever, Heckaman, J. Lee

1 A BILL for an Act to create and enact section 19-02.1-16.3 of the North Dakota Century Code,
2 relating to pharmacy benefits manager step therapy protocols.

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

4 **SECTION 1.** Section 19-02.1-16.3 of the North Dakota Century Code is created and
5 enacted as follows:

6 **19-02.1-16.3. Pharmacy benefits managers - Step therapy protocols - Limitations.**

7 1. As used in this section:

8 a. "Metastatic cancer" means ~~cancer that has spread from the primary or original~~
9 ~~site to lymph nodes, nearby tissues, or other parts of the body~~advanced cancer
10 that exhibits signs of secondary cancer sites.

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

12 c. "Step therapy protocol" means a protocol requiring an individual use a drug, or
13 sequence of drugs, other than the prescription drug, or sequence of prescription
14 drugs, the individual's health care provider recommends for the individual's
15 treatment, before the pharmacy benefits manager or health plan allows coverage
16 for the recommended prescription drug, or sequence of prescription drugs.

17 2. A pharmacy benefits manager or a health plan may not require a step therapy protocol
18 for coverage of a recommended prescription drug, or sequence of prescription drugs,
19 approved by the United States food and drug administration if:

20 a. The recommended prescription drug, or sequence of prescription drugs, is
21 prescribed to treat the individual's diagnosis of metastatic cancer; and

22 b. The use of the recommended prescription drug, or sequence of prescription
23 drugs, is consistent with the United States food and drug administration-approved
24 indications or is supported by peer-reviewed medical literature.

- 1 3. This section does not require coverage of a nonformulary prescription drug.