

Introduced by

Representative J. Nelson

- 1 A BILL for an Act to create and enact section 19-02.1-16.5 of the North Dakota Century Code,  
2 relating to limitations on pharmacy benefits managers; to amend and reenact section  
3 43-15-25.3 of the North Dakota Century Code, relating to permitting pharmacists to administer  
4 SARS-CoV-2 tests; to provide a penalty; and to declare an emergency.

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

6 **SECTION 1.** Section 19-02.1-16.5 of the North Dakota Century Code is created and  
7 enacted as follows:

8 **Pharmacy benefits managers - Prohibition on discrimination - Penalty.**

- 9 1. As used in this section:  
10 a. "Pharmacy" means a pharmacy licensed under the laws of this state.  
11 b. "Pharmacy benefits manager" has the same meaning as in section 19-03.6-01.  
12 2. A pharmacy benefits manager may not discriminate against or interfere with a covered  
13 entity participating under section 340B of the federal Public Health Service Act  
14 [42 U.S.C. 201 et seq.] or a pharmacy under contract with a covered entity under  
15 section 340B of the federal Public Health Service Act to provide pharmacy services on  
16 behalf of the covered entity. This includes, refusing to contract with a pharmacy.  
17 3. A pharmacy benefits manager may not modify, by contract, provider manual, or other  
18 means, the definition of pharmacy as defined in this section, implement discriminating  
19 pricing models, reimburse a lower dollar amount for a drug purchased under  
20 340B than if the drug had been purchased outside 340B, or interfere with any  
21 section 340B pharmacy service between the covered entity and the contracted  
22 pharmacy.  
23 4. Contract and claim information between the covered entity and contracted pharmacy  
24 is confidential.  
5. A pharmacy benefits manager that violates this section is guilty of a class B  
misdemeanor for each violation occurrence.