

Sixty-seventh  
Legislative Assembly  
of North Dakota

**SENATE BILL NO. 2209**

Introduced by

Senator Anderson

Representatives M. Nelson, Satrom

1 A BILL for an Act to create and enact a new section to chapter 19-02.1 and a new chapter to  
2 title 19 of the North Dakota Century Code, relating to increased access to low-cost prescription  
3 drugs; to amend section 43-15.3-12 of the North Dakota Century Code, relating to drug  
4 wholesaler fees; to provide for a report; to provide a continuing appropriation; to provide for a  
5 transfer; and to provide a contingent effective date.

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

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

9 **Exception - Drug importation.**

10 This chapter does not prohibit a manufacturer of a drug approved by the federal drug  
11 administration from importing a version of the approved drug sold in foreign countries pursuant  
12 to section 801 of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 384].

13 **SECTION 2.** A new chapter to title 19 of the North Dakota Century Code is created and  
14 enacted as follows:

15 **Wholesale prescription drug importation program.**

16 1. ~~The state board of pharmacy, in consultation with appropriate federal and state~~  
17 ~~agencies, other states, and interested parties, shall design~~ If another state creates a  
18 wholesale prescription drug importation program for the importation of prescription  
19 drugs from Canada in compliance with section 804 of the Federal Food, Drug, and  
20 Cosmetic Act [21 U.S.C. 384] and this chapter, including requirements regarding  
21 safety and cost-savings, the state department of health may contract with the other  
22 state for the importation of prescription drugs from Canada.

23 2. The program must:



- 1       2. The state agency designated to oversee the program shall:
- 2           a. Become a licensed drug wholesaler or enter a contract with a drug wholesaler
- 3               licensed by the state.
- 4           b. Contract with one or more wholesale drug distributors licensed by the state.
- 5           c. Contract with one or more licensed and regulated prescription drug suppliers in
- 6               Canada.
- 7           d. Consult with health insurance carriers, employers, pharmacies, pharmacists,
- 8               health care providers, and consumers.
- 9           e. Develop a registration process for health insurance carriers, pharmacies, and
- 10               health care providers authorized to prescribe and administer prescription drugs
- 11               which are willing to participate in the program.
- 12           f. Create a publicly accessible website for listing the prices of imported prescription
- 13               drugs.
- 14           g. Develop a two-year audit work plan.
- 15           h. Conduct any other activity the agency determines necessary to successfully
- 16               implement and operate the program.

17       **Reporting.**

18       By June 1 of each year, the state agency designated to implement and operate the program  
19 under this chapter shall provide a report to the legislative management regarding the  
20 implementation and operation of the program during the previous calendar year. The report  
21 must include:

- 22           1. The prescription drugs included in the program.
- 23           2. The number of participating pharmacies, health care providers, and health insurance
- 24               carriers.
- 25           3. The number of prescription drugs dispensed through the program.
- 26           4. The estimated cost-savings to consumers, health insurance carriers, employers, and
- 27               the state during the previous calendar year and over the course of the program.
- 28           5. Information regarding the implementation of the audit work plan and audit findings.
- 29           6. Any other information the state agency designated to oversee the program considers
- 30               relevant.



1       **SECTION 4. CONTINGENT EFFECTIVE DATE.** ~~The state board of pharmacy shall submit~~  
2 ~~a request to the United States department of health and human services for approval and~~  
3 ~~certification of a wholesale prescription drug importation program created under section 2 of this~~  
4 ~~Act. Section 2 of this~~ This Act becomes effective six months following the date the president of  
5 the state ~~board of pharmacy~~ department of health certifies to the legislative council the receipt of  
6 ~~approval and certification of the state's~~ a contract with another state for the implementation of a  
7 ~~wholesale prescription drug importation program from the United States department of health~~  
8 ~~and human services.~~

