

Sixty-ninth  
Legislative Assembly  
of North Dakota

**HOUSE BILL NO. 1473**

Introduced by

Representatives Nelson, Mitskog, Murphy, Bahl, O'Brien

Senators Axtman, Dever, Lee

1 A BILL for an Act to create and enact a new subsection to section 43-15.3-08 of the North  
2 Dakota Century Code, relating to prohibited acts of drug manufacturers; and to provide a  
3 penalty.

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

5 **SECTION 1.** A new subsection to section 43-15.3-08 of the North Dakota Century Code is  
6 created and enacted as follows:

7 a. For purposes of this subsection:

8 (1) "Contract pharmacy" means a pharmacy that has a contract with a covered  
9 entity to receive and dispense drugs to the covered entity's patients on its  
10 behalf.

11 (2) "Covered entity" means an entity participating or authorized to participate in  
12 a federal drug discount program under 42 U.S.C. 256b.

13 (3) "Drug" means a drug purchased under reduced pricing under section 340B  
14 of the federal Public Health Service Act [42 U.S.C. 201 et seq.] by a covered  
15 entity.

16 b. Except as otherwise provided under section 43-15.3-09, it is a class B  
17 misdemeanor for a manufacturer, an agent or affiliate of that manufacturer, virtual  
18 manufacturer, or third-party logistics provider of a manufacturer's drugs, to:

19 (1) Directly or indirectly deny, restrict, prohibit, or otherwise interfere with the  
20 acquisition of a drug by a contract pharmacy on behalf of a covered entity  
21 unless receipt of the drug is prohibited by federal law.

22 (2) Prohibit a contract pharmacy from dispensing a drug by denying access to  
23 the drug.

1           (3) Require a covered entity or contract pharmacy to submit any claims,  
2           encounter, or utilization data as a condition for acquiring or receiving a drug,  
3           unless the claims, encounter, or utilization data sharing is required by  
4           federal law.

5           (4) Interfere with the ability of a covered entity or contract pharmacy to  
6           dispense a drug to an eligible patient of the covered entity.

7           (5) Offer or otherwise make available a drug in the form of a rebate, unless in  
8           the form of a discount at the time of sale and authorized under federal law.

9           c. This subsection does not apply to the limited distribution of a drug as required  
10          under 21 U.S.C. 355-1.