

Sixty-ninth
Legislative Assembly
of North Dakota

**FIRST ENGROSSMENT
with Conference Committee Amendments
ENGROSSED SENATE BILL NO. 2370**

Introduced by

Senators Cleary, Dever, Mathern

Representative McLeod

- 1 A BILL for an Act to provide for a legislative management study regarding prescription drug
2 transparency reporting under the federal drug discount program.

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

4 **SECTION 1. LEGISLATIVE MANAGEMENT STUDY - PRESCRIPTION DRUG**
5 **TRANSPARENCY REPORTING.**

- 6 1. During the 2025-26 interim, the legislative management shall study establishing
7 reporting requirements for covered entities in North Dakota which participate in the
8 federal drug discount program under 42 U.S.C. 256b, and how reported data could be
9 used to develop public policy that directly benefits patients in North Dakota.
- 10 2. The study must include:
- 11 a. Consideration of the various entities participating in the federal drug discount
12 program that should be required to report data to this state, including health care
13 facilities, contract pharmacies, federally qualified health centers, drug
14 manufacturers, pharmacy benefits managers, and health insurers.
- 15 b. Consideration of the specific data elements that each entity should be required to
16 report.
- 17 c. Exploration of methods of reporting, compiling, and sharing the compiled data
18 which provide the greatest benefit to patients in North Dakota.
- 19 d. Analysis of issues relating to the confidentiality and disclosure of the data.
- 20 e. Consideration of reporting enforcement mechanisms, including civil penalties for
21 failing to report.
- 22 f. Input from and consultation with stakeholders, including:

- 1 (1) A professional association representing hospitals in North Dakota.
- 2 (2) A professional association representing pharmacies in North Dakota.
- 3 (3) A professional association representing federally qualified health centers in
- 4 North Dakota.
- 5 (4) A professional association representing rural health in North Dakota.
- 6 (5) A professional association representing innovative pharmaceutical
- 7 manufacturers.
- 8 (6) The insurance department.
- 9 (7) The department of health and human services.
- 10 (8) The North Dakota board of pharmacy.
- 11 (9) Hospitals participating in the federal drug discount program.
- 12 (10) Federally qualified health centers.
- 13 (11) Pharmacies that have contracts with covered entities participating in the
- 14 federal drug discount program.
- 15 (12) Health insurers.
- 16 3. The legislative management shall report its findings and recommendations, together
- 17 with any legislation required to implement the recommendations, to the seventieth
- 18 legislative assembly.