

Introduced by

Senators Anderson, Dever, J. Lee

Representatives Kasper, Seibel, Weisz

1 A BILL for an Act to create and enact a new section to chapter 19-02.1 of the North Dakota
2 Century Code, relating to specialty pharmacy services; and to provide a penalty.

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

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

6 **Specialty pharmacy services and patient access to pharmaceuticals - Pharmacy**
7 **benefits managers - Penalty.**

8 1. As used in this section:

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

10 b. "Plan sponsor" has the same meaning as in section 19-03.6-01.

11 c. "Specialty drug" means a prescription drug that:

12 (1) Is not available for order or purchase by a retail community pharmacy and
13 long-term care pharmacy, regardless of whether the drug is meant to be
14 self-administered; and

15 (2) Requires special storage and has distribution or inventory limitations not
16 available at a retail community pharmacy or long-term care pharmacy.

17 d. "Third-party payer" has the same meaning as in section 19-03.6-01.

18 2. A pharmacy benefits manager or third-party payer that has an ownership interest,
19 either directly or through an affiliate or subsidiary, in a pharmacy shall disclose to a
20 plan sponsor contracted payer any difference between the amount paid to a pharmacy
21 and the amount charged to the plan sponsor contracted payer.

22 3. A pharmacy benefits manager or a pharmacy benefits manager's affiliates or
23 subsidiaries may not own or have an ownership interest in a patient assistance
24 program and a mail order specialty pharmacy, unless the pharmacy benefits manager,

- 1 affiliate, or subsidiary agrees to fair competition, no self-dealing, and no interference
2 with prospective economic advantage and establishes a firewall between the
3 administrative functions and the mail order pharmacy.
- 4 4. A pharmacy benefits manager or third-party payer may not require pharmacy
5 accreditation standards or recertification requirements to participate in a network
6 which are inconsistent with, more stringent than, or in addition to the federal and state
7 requirements for licensure as a pharmacy in this state.
- 8 5. A licensed pharmacy or pharmacist may dispense any and all drugs allowed under
9 that license.
- 10 6. A pharmacy benefits manager or other third-party payer that violates this section is
11 guilty of a class B misdemeanor for each violation occurrence.