FIRST ENGROSSMENT

Sixty-seventh Legislative Assembly of North Dakota

ENGROSSED SENATE BILL NO. 2183

Introduced by

Senators Dever, Mathern

Representatives Hanson, Keiser, Pyle, Schauer

- 1 A BILL for an Act to create and enact section 54-52.1-04.20 of the North Dakota Century Code,
- 2 relating to public employee insulin drug benefits; to amend and reenact subsection 2 of section
- 3 26.1-36.6-03 of the North Dakota Century Code, relating to self-insurance health plans; to
- 4 provide for a report; to provide for application; to provide an expiration date; and to declare an
- 5 emergency.

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

7	SECTION 1. AMENDMENT. Subsection 2 of section 26.1-36.6-03 of the North Dakota			
8	Century Code is amended and reenacted as follows:			
9	2.	The	following health benefit provisions applicable to a group accident and health	
10		insu	rance policy under chapter 26.1-36 apply to a self-insurance health plan and are	
11		sub	ject to the jurisdiction of the commissioner: 26.1-36-06, 26.1-36-06.1, 26.1-36-07,	
12		26.2	1-36-08, 26.1-36-08.1, 26.1-36-09, 26.1-36-09.1, 26.1-36-09.2, 26.1-36-09.3,	
13		26.2	1-36-09.5, 26.1-36-09.6, 26.1-36-09.7, 26.1-36-09.8, 26.1-36-09.9, 26.1-36-09.10,	
14		26.2	1-36-09.11, 26.1-36-09.12, 26.1-36-09.13, 26.1-36-09.14, 26.1-36-09.15,	
15		26.′	1-36-11, 26.1-36-12.2, 26.1-36-20, 26.1-36-21, 26.1-36-22, 26.1-36-23.1, and	
16		26.2	1-36-43. Section 54-52.1-04.20 applies to a self-insurance health plan and is	
17		<u>sub</u>	ject to the jurisdiction of the commissioner.	
18	SECTION 2. Section 54-52.1-04.20 of the North Dakota Century Code is created and			
19	enacted as follows:			
20	54-52.1-04.20. Health insurance benefits coverage - Insulin drug benefits.			
21	<u>1.</u>	<u>As ı</u>	used in this section:	
22		<u>a.</u>	"Cost-sharing" includes copayments and coinsurance.	
23		<u>b.</u>	"Insulin drug" means a prescription drug that contains insulin and is used to treat	
24			a form of diabetes mellitus. The term does not include an insulin pump, an	

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1		electronic insulin-administering smart pen, or a continuous glucose monitor, or			
2		supplies needed specifically for the use of such electronic devices. The term			
3		includes insulin in the following categories:			
4		(1) Rapid-acting insulin;			
5		(2) Short-acting insulin;			
6		(3) Intermediate-acting insulin;			
7		(4) Long-acting insulin:			
8		(5) Premixed insulin product;			
9		(6) Premixed insulin/GLP-1 RA product; and			
10		(7) Concentrated human regular insulin.			
11		c. "Pharmacy or distributor" means a pharmacy or medical supply company, or			
12		other medication or medical supply distributor filling a covered individual's			
13		prescriptions.			
14	<u>2.</u>	The board shall provide health insurance benefits coverage that provides cost-sharing			
15		for a thirty-day supply of prescribed insulin drugs which does not exceed twenty-five			
16		dollars per pharmacy or distributor, regardless of the quantity or type of insulin drug			
17		used to fill the covered individual's prescription needs.			
18	<u>3.</u>	The coverage may not allow a pharmacy benefits manager or the pharmacy or			
19		distributor to charge, require the pharmacy or distributor to collect, or require a			
20		covered individual to make, a cost-sharing payment for a covered insulin drug in an			
21		amount that exceeds the amount of the cost-sharing payment for the prescribed			
22		insulin drugs under subsection 2.			
23	<u>4.</u>	Subsection 2 does not require the coverage to include cost-sharing and does not			
24		prevent the implementation of cost-sharing in an amount less than the amount			
25		specified under subsection 2. Subsection 2 does not limit cost-sharing on an insulin			
26		pump, an electronic insulin-administering smart pen, or a continuous glucose monitor.			
27		This section does not limit whether coverage classifies an insulin pump, an electronic			
28		insulin-administering smart pen, or a continuous glucose monitor as a drug or as a			
29		medical device or supply.			
30	SEC	SECTION 3. APPLICATION. This Act applies to health benefits coverage that begins after			
31	June 30, 2021, and which does not extend past June 30, 2023.				

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1 SECTION 4. PUBLIC EMPLOYEES RETIREMENT SYSTEM - INSULIN DRUG

2 **BENEFITS.** Pursuant to section 54-03-28, the public employees retirement system shall

3 prepare and submit for introduction a bill to the sixty-eighth legislative assembly to repeal the

- 4 expiration date for this Act and to extend the coverage of insulin drug benefits to all group and
- 5 individual health insurance policies. The public employees retirement system shall append a
- 6 report to the bill regarding the effect of the insulin drug benefits requirement on the system's
- 7 health insurance programs, information on the utilization and costs relating to the coverage, and
- 8 a recommendation regarding whether the coverage should be continued.
- 9 SECTION 5. EXPIRATION DATE. This Act is effective through July 31, 2023, and after that
- 10 date is ineffective.

11 **SECTION 6. EMERGENCY.** This Act is declared to be an emergency measure.