

**Sixty-seventh Legislative Assembly of North Dakota  
In Regular Session Commencing Tuesday, January 5, 2021**

HOUSE BILL NO. 1492  
(Representative J. Nelson)

AN ACT to create and enact section 19-02.1-16.5 of the North Dakota Century Code, relating to limitations on pharmacy benefits managers; to amend and reenact section 43-15-25.3 of the North Dakota Century Code, relating to permitting pharmacists to administer SARS-CoV-2 tests; to provide a penalty; and to declare an emergency.

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

**SECTION 1.** Section 19-02.1-16.5 of the North Dakota Century Code is created and enacted as follows:

**Pharmacy benefits managers - Prohibition on discrimination - Penalty.**

1. As used in this section:
  - a. "Pharmacy" means a pharmacy licensed under the laws of this state.
  - b. "Pharmacy benefits manager" has the same meaning as in section 19-03.6-01.
2. A pharmacy benefits manager may not discriminate against or interfere with a covered entity participating under section 340B of the federal Public Health Service Act [42 U.S.C. 201 et seq.] or a pharmacy under contract with a covered entity under section 340B of the federal Public Health Service Act to provide pharmacy services on behalf of the covered entity. This includes refusing to contract with a pharmacy.
3. A pharmacy benefits manager may not modify, by contract, provider manual, or other means, the definition of pharmacy as defined in this section, reimburse a lower dollar amount for a drug purchased under 340B than if the drug had been purchased outside 340B, or interfere with any section 340B pharmacy service between the covered entity and the contracted pharmacy.
4. A pharmacy benefits manager may not directly or indirectly, on behalf of a pharmacy benefits manager, a carrier, or a health plan, charge or hold a pharmacy responsible for a fee for any step, component, or mechanism related to the claims adjudication processing network.
5. Contract and claim information between the covered entity and contracted pharmacy is confidential.
6. A pharmacy benefits manager that violates this section is guilty of a class B misdemeanor for each violation occurrence.

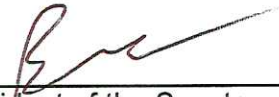
**SECTION 2. AMENDMENT.** Section 43-15-25.3 of the North Dakota Century Code is amended and reenacted as follows:

**43-15-25.3. Approved laboratory tests.**

Approved laboratory tests are the following waived screening tests: glucose monitoring devices (FDA cleared/home use) 9221, cholesterol 1020, HDL cholesterol 2550, triglyceride 6118, and glycosylated hemoglobin (Hgb A1C) 2204, and SARS-CoV-2. Additional tests may be added to this list as jointly determined by the board and the North Dakota board of medicine.

**SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure.

  
Speaker of the House

  
President of the Senate

  
Chief Clerk of the House

  
Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-seventh Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1492 and that two-thirds of the members-elect of the House of Representatives voted in favor of said law.


Vote:           Yeas 93                           Nays 0                           Absent 1

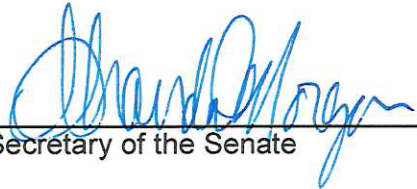
  
Speaker of the House

  
Chief Clerk of the House

This certifies that two-thirds of the members-elect of the Senate voted in favor of said law.


Vote:           Yeas 44                           Nays 1                           Absent 2

  
President of the Senate

  
Secretary of the Senate

Received by the Governor at 9:25 A.M. on April 20, 2021.

Approved at 7:50 P.M. on April 21, 2021.

  
Governor

Filed in this office this 22nd day of April, 2021,  
at 9:23 o'clock A. M.

  
Secretary of State