

Introduced by

Representatives Mock, Devlin, Kasper, Louser, D. Ruby

Senators Anderson, Dever, Heckaman, J. Lee

1 A BILL for an Act to create and enact section 19-02.1-16.3 of the North Dakota Century Code,  
2 relating to pharmacy benefits manager step therapy protocols.

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

4 **SECTION 1.** Section 19-02.1-16.3 of the North Dakota Century Code is created and  
5 enacted as follows:

6 **19-02.1-16.3. Pharmacy benefits managers - Step therapy protocols - Limitations.**

7 1. As used in this section:

8 a. "Metastatic cancer" means cancer that has spread from the primary or original  
9 site to lymph nodes, nearby tissues, or other parts of the body.

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

11 c. "Step therapy protocol" means a protocol requiring an individual use a drug, or  
12 sequence of drugs, other than the prescription drug, or sequence of prescription  
13 drugs, the individual's health care provider recommends for the individual's  
14 treatment, before the pharmacy benefits manager allows coverage for the  
15 recommended prescription drug, or sequence of prescription drugs.

16 2. A pharmacy benefits manager may not impose a step therapy protocol for coverage of  
17 a recommended prescription drug, or sequence of prescription drugs, approved by the  
18 United States food and drug administration if:

19 a. The recommended prescription drug, or sequence of prescription drugs, is  
20 prescribed to treat the individual's diagnosis of metastatic cancer; and

21 b. The use of the recommended prescription drug, or sequence of prescription  
22 drugs, is consistent with the United States food and drug administration-approved  
23 indications and is supported by peer-reviewed medical literature.