

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 insurance policy under chapter 26.1-36 apply to a self-insurance health plan and are
11 subject to the jurisdiction of the commissioner: 26.1-36-06, 26.1-36-06.1, 26.1-36-07,
12 26.1-36-08, 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 26.1-36-09.5, 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 26.1-36-09.11, 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 26.1-36-43. Section 54-52.1-04.20 applies to a self-insurance health plan and is
17 subject 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 1. As used in this section:
22 a. "Cost-sharing" includes copayments and coinsurance.
23 b. "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

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 2. 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 3. 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 4. 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 **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.

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.