

Introduced by

Senators Barta, Dever, Lee

Representatives D. Ruby, Weisz, Louser

1 A BILL for an Act to amend and reenact section 19-02.1-16.3 of the North Dakota Century  
2 Code, relating to step therapy protocols; to provide for a report to the legislative assembly; to  
3 provide for application; and to provide an expiration date.

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

5 **SECTION 1. AMENDMENT.** Section 19-02.1-16.3 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7 **19-02.1-16.3. Pharmacy benefits managers - Step therapy protocols - Limitations.**

8 1. As used in this section:

9 a. "Associated condition" means a symptom or side effect associated with  
10 metastatic cancer or its treatment and which, in the judgment of the health care  
11 practitioner, further jeopardizes the health of an individual if left untreated.

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

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

15 ~~e.d.~~ "Step therapy protocol" means a protocol requiring an individual use a drug, or  
16 sequence of drugs, other than the prescription drug, or sequence of prescription  
17 drugs, the individual's health care provider recommends for the individual's  
18 treatment, before the pharmacy benefits manager or health plan allows coverage  
19 for the recommended prescription drug, or sequence of prescription drugs.

20 2. A pharmacy benefits manager or a health plan may not require a step therapy protocol  
21 for coverage of a recommended prescription drug, or sequence of prescription drugs,  
22 approved by the United States food and drug administration if:

- 1           a. The recommended prescription drug, or sequence of prescription drugs, is  
2           prescribed to treat the individual's diagnosis of metastatic cancer or an  
3           associated condition; and
- 4           b. The use of the recommended prescription drug, or sequence of prescription  
5           drugs, is consistent with the United States food and drug administration-approved  
6           indications or is supported by peer-reviewed medical literature.
- 7           3. This section does not require coverage of a nonformulary prescription drug.

8           **SECTION 2. PUBLIC EMPLOYEES RETIREMENT SYSTEM - STEP THERAPY**  
9           **PROTOCOLS FOR ASSOCIATED CONDITIONS OF METASTATIC CANCER - REPORT TO**

10          **LEGISLATIVE ASSEMBLY.** Pursuant to section 54-03-28, the public employees retirement  
11          system shall prepare and submit for introduction a bill to the seventieth legislative assembly to  
12          repeal the expiration date for this Act and to extend step therapy protocols for associated  
13          conditions of metastatic cancer to all group and individual health insurance policies. The public  
14          employees retirement system shall append a report to the bill regarding the effect of the step  
15          therapy protocols for associated conditions of metastatic cancer on the system's health  
16          insurance programs, information on the utilization and costs relating to the coverage, and a  
17          recommendation regarding whether the coverage should be continued.

18          **SECTION 3. APPLICATION.** This Act applies to health insurance benefits coverage  
19          provided by the uniform group insurance program under chapter 54-52.1 which begins after  
20          June 30, 2025, and which does not extend past June 30, 2027.

21          **SECTION 4. EXPIRATION DATE.** This Act is effective through June 30, 2027, and after that  
22          date is ineffective.