

Sixty-fourth  
Legislative Assembly  
of North Dakota

## ENGROSSED HOUSE BILL NO. 1072

Introduced by

Representatives Maragos, Delmore, Beadle, Dockter

Senator Dever

1 | A BILL for an Act to create and enact a new section to chapter 26.1-36; and a new section to  
2 | chapter 54-52.1 of the North Dakota Century Code, relating to insurance coverage of cancer  
3 | treatment medications; and to provide for application.

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

5 | **SECTION 1.** A new section to chapter 26.1-36 of the North Dakota Century Code is created  
6 | and enacted as follows:

7 | **Coverage of cancer treatment medications.**

8 | 1. As used in this section:

9 | a. "Cancer treatment medications" means prescription drugs and biologics that are  
10 | used to kill, slow, or prevent the growth of cancerous cells.

11 | b. "Insurer" means an insurance company, nonprofit health service corporation, or  
12 | health maintenance organization.

13 | c. "Patient-administered" includes oral administration and self-injection.

14 | d. "Policy" means an accident and health insurance policy, contract, or evidence of  
15 | coverage on a group, individual, blanket, franchise, or association basis.

16 | 2. An insurer may not deliver, issue, execute, or renew a policy that provides coverage  
17 | for cancer treatment medications that are injected or are intravenously administered  
18 | by a health care provider and that provides coverage for patient-administered cancer  
19 | treatment medications unless:

20 | ~~\_\_\_\_\_ a. The~~ the policy copayment, deductible, and coinsurance amounts for  
21 | patient-administered cancer treatment medications do not exceed the amounts  
22 | for cancer treatment medications that are injected or are intravenously  
23 | administered by a health care provider, regardless of the formulation or benefit  
24 | category; ~~or.~~

1 ~~b. The policy copayment, deductible, and coinsurance amounts for a month's supply~~  
2 ~~of a patient-administered cancer treatment medication do not exceed one~~  
3 ~~hundred dollars per filled prescription.~~

4 3. An insurer may not increase a copayment, deductible, or coinsurance amount for  
5 covered cancer treatment medications that are injected or intravenously administered  
6 in order to avoid compliance with subsection 2. An insurer may not reclassify benefits  
7 with respect to cancer treatment medications in a manner that is inconsistent with this  
8 section.

9 **SECTION 2.** A new section to chapter 54-52.1 of the North Dakota Century Code is created  
10 and enacted as follows:

11 **Coverage of cancer treatment medications.**

12 The board shall provide medical benefits coverage under a contract for insurance pursuant  
13 to section 54-52.1-04 or under a self-insurance plan pursuant to section 54-52.1-04.2 which  
14 provides coverage of cancer treatment medications in the same manner as provided under  
15 section 1 of this Act.

16 **SECTION 3. APPLICATION.** This Act is not subject to section 54-03-28, and therefore is  
17 not required to be accompanied by a cost-benefit analysis; is not limited in application to the  
18 public employees retirement system's health insurance programs; does not require that during  
19 the 2015-16 interim the public employees retirement system study the effect of the cancer  
20 treatment medication coverage requirements; and does not expire in two years.