

Sixty-seventh
Legislative Assembly
of North Dakota

REENGROSSED SENATE BILL NO. 2183

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.~~for an Act to create and enact section 26.1-36-09.16 of the North Dakota Century
6 Code, relating to accident and health insurance coverage of diabetes drugs; to amend and
7 reenact subsection 2 of section 26.1-36.6-03 of the North Dakota Century Code, relating to
8 public employees self-insurance health plans; to provide for application; to provide an effective
9 date; and to declare an emergency.

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

11 ~~— **SECTION 1. AMENDMENT.** Subsection 2 of section 26.1-36.6-03 of the North Dakota~~
12 ~~Century Code is amended and reenacted as follows:~~

13 ~~— 2. — The following health benefit provisions applicable to a group accident and health~~
14 ~~insurance policy under chapter 26.1-36 apply to a self-insurance health plan and are~~
15 ~~subject to the jurisdiction of the commissioner: 26.1-36-06, 26.1-36-06.1, 26.1-36-07,~~
16 ~~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,~~
17 ~~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,~~
18 ~~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,~~
19 ~~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~~
20 ~~26.1-36-43. Section 54-52.1-04.20 applies to a self-insurance health plan and is~~
21 ~~subject to the jurisdiction of the commissioner.~~

22 ~~— **SECTION 2.** Section 54-52.1-04.20 of the North Dakota Century Code is created and~~
23 ~~enacted as follows:~~

- 1 ~~54-52.1-04.20. Health insurance benefits coverage - Insulin drug benefits.~~
- 2 ~~1. As used in this section:~~
- 3 ~~a. "Cost sharing" includes copayments and coinsurance.~~
- 4 ~~b. "Insulin drug" means a prescription drug that contains insulin and is used to treat~~
- 5 ~~a form of diabetes mellitus. The term does not include an insulin pump, an~~
- 6 ~~electronic insulin-administering smart pen, or a continuous glucose monitor, or~~
- 7 ~~supplies needed specifically for the use of such electronic devices. The term~~
- 8 ~~includes insulin in the following categories:~~
- 9 ~~(1) Rapid-acting insulin;~~
- 10 ~~(2) Short-acting insulin;~~
- 11 ~~(3) Intermediate-acting insulin;~~
- 12 ~~(4) Long-acting insulin;~~
- 13 ~~(5) Premixed insulin product;~~
- 14 ~~(6) Premixed insulin/GLP-1 RA product; and~~
- 15 ~~(7) Concentrated human regular insulin.~~
- 16 ~~c. "Pharmacy or distributor" means a pharmacy or medical supply company, or~~
- 17 ~~other medication or medical supply distributor filling a covered individual's~~
- 18 ~~prescriptions.~~
- 19 ~~2. The board shall provide health insurance benefits coverage that provides cost-sharing~~
- 20 ~~for up to a thirty-day supply of a prescribed insulin drug which does not exceed~~
- 21 ~~twenty-five dollars per pharmacy or distributor, regardless of the quantity or type of~~
- 22 ~~insulin drug used to fill the covered individual's prescription needs.~~
- 23 ~~3. The coverage may not allow a pharmacy benefits manager or the pharmacy or~~
- 24 ~~distributor to charge, require the pharmacy or distributor to collect, or require a~~
- 25 ~~covered individual to make, a cost-sharing payment for a covered insulin drug in an~~
- 26 ~~amount that exceeds the amount of the cost-sharing payment for the prescribed~~
- 27 ~~insulin drugs under subsection 2.~~
- 28 ~~4. Subsection 2 does not require the coverage to include cost-sharing and does not~~
- 29 ~~prevent the implementation of cost-sharing in an amount less than the amount~~
- 30 ~~specified under subsection 2. Subsection 2 does not limit cost-sharing on an insulin~~
- 31 ~~pump, an electronic insulin-administering smart pen, or a continuous glucose monitor.~~

~~This section does not limit whether coverage classifies an insulin pump, an electronic insulin-administering smart pen, or a continuous glucose monitor as a drug or as a medical device or supply.~~

~~— **SECTION 3. APPLICATION.** This Act applies to health benefits coverage that begins after June 30, 2021, and which does not extend past June 30, 2023.~~

~~— **SECTION 4. PUBLIC EMPLOYEES RETIREMENT SYSTEM – INSULIN DRUG**~~

~~**BENEFITS.** Pursuant to section 54-03-28, the public employees retirement system shall prepare and submit for introduction a bill to the sixty-eighth legislative assembly to repeal the expiration date for this Act and to extend the coverage of insulin drug benefits to all group and individual health insurance policies. The public employees retirement system shall append a report to the bill regarding the effect of the insulin drug benefits requirement on the system's health insurance programs, information on the utilization and costs relating to the coverage, and a recommendation regarding whether the coverage should be continued.~~

~~— **SECTION 5. EXPIRATION DATE.** This Act is effective through July 31, 2023, and after that date is ineffective.~~

~~— **SECTION 6. EMERGENCY.** This Act is declared to be an emergency measure.~~

SECTION 1. Section 26.1-36-09.16 of the North Dakota Century Code is created and enacted as follows:

26.1-36-09.16. Insulin drug cost-sharing limitations.

1. As used in this section:

a. "Cost-sharing" includes copayments and coinsurance.

b. "Insulin drug" means a prescription drug that contains insulin and is used to treat a form of diabetes mellitus. The term does not include an insulin pump, an electronic insulin-administering smart pen, or a continuous glucose monitor, or supplies needed specifically for the use of such electronic devices. The term includes insulin in the following categories:

(1) Rapid-acting insulin;

(2) Short-acting insulin;

(3) Intermediate-acting insulin;

(4) Long-acting insulin;

(5) Premixed insulin product;

1 (6) Premixed insulin/GLP-1 RA product; and

2 (7) Concentrated human regular insulin.

3 c. "Pharmacy or distributor" means a pharmacy or medical supply company, or
4 other medication or medical supply distributor filling a covered individual's
5 prescriptions.

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

8 2. An insurer may not deliver, issue, execute, or renew a policy that provides coverage
9 for an insulin drug unless the policy complies with this section.

10 3. The policy must provide cost-sharing for up to a thirty-day supply of a prescribed
11 insulin drug which may not exceed twenty-five dollars per pharmacy or distributor,
12 regardless of the quantity or type of insulin drug used to fill the covered individual's
13 prescription needs.

14 4. A policy may not allow a pharmacy benefits manager or the pharmacy or distributor to
15 charge, require the pharmacy or distributor to collect, or require a covered individual to
16 make, a cost-sharing payment for a covered insulin drug in an amount that exceeds
17 the amount of the cost-sharing payment for the prescribed insulin drugs under
18 subsection 3.

19 5. Subsection 3 does not require a policy to implement cost-sharing and does not
20 prevent the implementation of cost-sharing in an amount less than the amount
21 specified under subsection 3. Subsection 3 does not limit cost-sharing on an insulin
22 pump, an electronic insulin-administering smart pen, or a continuous glucose monitor.
23 This section does not limit whether a policy classifies an insulin pump, an electronic
24 insulin-administering smart pen, or a continuous glucose monitor as a drug or as a
25 medical device or supply.

26 **SECTION 2. AMENDMENT.** Subsection 2 of section 26.1-36.6-03 of the North Dakota
27 Century Code is amended and reenacted as follows:

28 2. The following health benefit provisions applicable to a group accident and health
29 insurance policy under chapter 26.1-36 apply to a self-insurance health plan and are
30 subject to the jurisdiction of the commissioner: 26.1-36-06, 26.1-36-06.1, 26.1-36-07,
31 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,

1 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,
2 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,
3 26.1-36-09.16, 26.1-36-11, 26.1-36-12.2, 26.1-36-20, 26.1-36-21, 26.1-36-22,
4 26.1-36-23.1, and 26.1-36-43.

5 **SECTION 3. APPLICATION.** This Act applies to a policy delivered, issued, executed, or
6 renewed after June 30, 2021.

7 **SECTION 4. EFFECTIVE DATE.** This Act becomes effective on July 1, 2021.

8 **SECTION 5. EMERGENCY.** This Act is declared to be an emergency measure.