

HOUSE BILL NO. 1382
with Conference Committee Amendments
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Introduced by

Representatives Keiser, Kasper

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 mail order and home delivery services; and to provide an effective date.

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 **Mail order and home delivery - Prior consent - Refund.**

7 1. If a pharmacy offers a prescription through home delivery or mail order delivery
8 services, the pharmacy may not initiate delivery of a refill unless:

- 9 a. The pharmacy obtains prior consent from the patient or the patient's authorized
10 representative; or
11 b. The pharmacy provides the patient with notice of the upcoming delivery through
12 more than one communication attempt, by different means, and the patient or the
13 patient's authorized representative does not respond indicating the patient does
14 not want the refill.

15 2. If a pharmacy delivers a refill in violation of subsection 1:

- 16 a. Within thirty days of the patient's or the patient's authorized representative's
17 notification of the pharmacy of the unwanted refill, the pharmacy shall refund all
18 payments received by the pharmacy relating to the unwanted refill.
19 b. Within thirty days of the pharmacy's, patient's, or patient's authorized
20 representative's notification of the health plan or the pharmacy benefits manager
21 of the unwanted refill, the health plan and pharmacy benefits manager shall
22 refund all payments received relating to the unwanted refill.

23 **SECTION 2. EFFECTIVE DATE.** This Act becomes effective January 1, 2020.