

**Sixty-eighth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 3, 2023**

SENATE BILL NO. 2378
(Senators Meyer, Klein)
(Representatives Kasper, Lefor, Mock, Rohr)

AN ACT to create and enact a new section to chapter 19-02.1 of the North Dakota Century Code, relating to clinician-administered drugs.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 19-02.1 of the North Dakota Century Code is created and enacted as follows:

Clinician-administered drugs.

1. As used in this section:
 - a. "Clinician-administered drug" means an outpatient prescription drug other than a:
 - (1) Vaccine that cannot be reasonably self-administered by the patient to whom the drug is prescribed;
 - (2) Vaccine that typically is administered:
 - (a) By a health care provider authorized under the laws of this state to administer the drug, including when acting under a physician's delegation and supervision; and
 - (b) In a physician's office, hospital outpatient infusion center, pharmacy, or other clinical setting; or
 - (3) Specialty drug.
 - b. "Pharmacy benefits manager" has the same meaning as in section 19-03.6-01.
 - c. "Specialty drug" has the same meaning as in section 19-02.1-16.2
 - d. "Third-party payer" has the same meaning as in section 19-03.6-01.
2. A pharmacy benefits manager, third-party payer, or the agent of a pharmacy benefits manager or third-party payer may not:
 - a. Require a patient, as a condition of payment or reimbursement, to purchase pharmacist services, including prescription drugs, exclusively through a mail-order pharmacy or a pharmacy benefits manager affiliate, or a combination of both.
 - b. Increase patient costs if the patient chooses to not use a mail-order pharmacy or a pharmacy benefits manager affiliate, but instead uses another participating provider.
 - c. Interfere with the patient's right to obtain a clinician-administered drug from the patient's provider of choice.
 - d. Limit or exclude availability of a clinician-administered drug if not dispensed by a mail-order pharmacy or pharmacy benefits manager affiliate, if the drug would otherwise be covered for patients.

- e. Condition, deny, restrict, or refuse to authorize or approve, or reduce payment to a participating provider for a clinician-administered drug if all criteria for medical necessity are met, because the participating provider did not obtain clinician-administered drugs from a mail-order pharmacy or pharmacy benefits manager affiliate.
- f. By contract, written policy, or written procedure, require that a pharmacy designated by the pharmacy benefits manager or third-party payer dispense a medication directly to a patient with the expectation or intention that the patient will transport the medication to a health care setting for administration by a participating provider.
- g. By contract, written policy, or written procedure, require that a pharmacy designated by the pharmacy benefits manager or third-party payer dispense a medication directly to a health care setting for a participating provider to administer to a patient.
- h. Require the use of a home infusion pharmacy to dispense clinician-administered drugs to a patient in the home of the patient.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-eighth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2378.

Senate Vote: Yeas 43 Nays 4 Absent 0

House Vote: Yeas 86 Nays 4 Absent 4

Secretary of the Senate

Received by the Governor at _____ M. on _____, 2023.

Approved at _____ M. on _____, 2023.

Governor

Filed in this office this _____ day of _____, 2023,

at _____ o'clock _____ M.

Secretary of State