

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 COMMITTEE SUBSTITUTE

4 FOR

5 SENATE BILL 13

6 By: Garvin

7 COMMITTEE SUBSTITUTE

8 An Act relating to pharmaceuticals; defining terms;
9 requiring health benefit plans to adhere to certain
10 requirements; requiring certain drugs to meet federal
11 requirements; prohibiting plans from imposing certain
12 requirements or payments; establishing certain drug
13 administration requirements; creating a penalty;
14 providing for codification; and declaring an
15 emergency.

16 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

17 SECTION 1. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 6969 of Title 36, unless there
19 is created a duplication in numbering, reads as follows:

20 A. As used in this section:

21 1. "Health benefit plan" means a health benefit plan as defined
22 pursuant to Section 6060.4 of Title 36 of the Oklahoma Statutes;

23 2. "Pharmacy benefits manager" means a person that performs
24 pharmacy benefits management and any other person acting for such
person under a contractual or employment relationship in the
performance of pharmacy benefits management for a managed-care

1 company, not-for-profit hospital, medical services organization,
2 insurance company, third-party payor, or a health program
3 administered by a state agency; and

4 3. "White bagged drugs" means the distribution of physician-
5 administered medication from a pharmacy, typically a specialty
6 pharmacy, to the physician's office, hospital, or clinic for
7 administration.

8 B. All health benefit plans and pharmacy benefits managers in
9 this state shall not refuse to authorize, approve, or pay a
10 participating provider for providing covered physician-administered
11 drugs to covered persons.

12 C. All white bagged drugs distributed in this state shall meet
13 supply chain security controls set forth by the federal Drug Supply
14 Chain Security Act as amended.

15 D. A health benefit plan or a pharmacy benefits manager of a
16 plan shall not require a covered patient to self-administer an
17 injectable drug against a health care provider's recommendation in
18 accordance with the manufacturer's approved guidelines.

19 E. Health benefit plans shall not require a covered patient to
20 pay additional fees for white bagged drugs beyond cost-sharing
21 obligations as outlined in the individual's plan.

22 F. Providers and health care facilities shall be permitted to
23 dispense and administer a covered physician-administered drug based
24 on a patient's best interest, provided that the health care facility

1 or provider that administers the drug shall agree to the terms and
2 conditions of network participation and accept, as payment in full,
3 reimbursement for the drug at the health insurer's or pharmacy
4 benefits manager's negotiated contracted rate. The health care
5 facility or provider is prohibited from billing or collecting from
6 the patient any amount in excess of or in addition to the patient's
7 cost sharing obligations as outlined in the individual's plan.

8 G. Any payor in violation of this act shall be fined a minimum
9 of Five Thousand Dollars (\$5,000.00) per violation, but not more
10 than Ten Thousand Dollars (\$10,000.00) per violation. Fines related
11 to this section shall not be used when calculating payors, plans, or
12 members loss ratios and losses incurred pursuant to this subsection
13 shall not be passed on to the consumer in future rate increases.

14 H. A health care provider or facility shall be immune from
15 civil liability for any loss or harm to a person due to his or her
16 health insurance plan utilizing white bagged drugs caused by an act
17 or omission by the facility or provider that occurs during the
18 process outlined in this act if the act or omission was not the
19 result of gross negligence or willful or wanton misconduct of the
20 health care facility or health care provider rendering the health
21 care services.

22 SECTION 2. It being immediately necessary for the preservation
23 of the public peace, health or safety, an emergency is hereby
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1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.

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