

1 ENGROSSED HOUSE
2 BILL NO. 1713

By: Marti of the House

3 and

4 Garvin of the Senate

5 An Act relating to pharmacies; defining terms; creating
6 certain requirements; creating a penalty; providing for
7 codification; and declaring an emergency.

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

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

12 A. As used in this section:

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

15 2. "Pharmacy benefits manager" means a person that performs
16 pharmacy benefits management and any other person acting for such
17 person under a contractual or employment relationship in the
18 performance of pharmacy benefits management for a managed-care
19 company, not-for-profit hospital, medical services organization,
20 insurance company, third-party payor, or a health program
21 administered by a state agency; and

22 3. "White bagged drugs" means the distribution of physician
23 administered medication from a pharmacy, typically a specialty
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1 pharmacy, to the physician's office, hospital, or clinic for
2 administration.

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

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

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

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

17 F. Providers and health care facilities shall be permitted to
18 dispense and administer a covered physician-administered drug based
19 on a patient's best interest, provided that the health care facility
20 or provider that administers the drug shall agree to the terms and
21 conditions of network participation and accept, as payment in full,
22 reimbursement for the drug at the health insurer's negotiated
23 contracted rate. The health care facility or provider is prohibited
24 from billing or collecting from the patient any amount in excess of

1 or in addition to the patient's cost sharing obligations as outlined
2 in the individual's plan.

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

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

13 Passed the House of Representatives the 21st day of March, 2023.

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Presiding Officer of the House
of Representatives

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18 Passed the Senate the ____ day of _____, 2023.

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Presiding Officer of the Senate

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