STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

SENATE BILL 145 By: Hicks

AS INTRODUCED

An Act relating to prescription drugs; defining terms; prohibiting an insurer from modifying coverage under certain conditions with certain exceptions; providing for certain civil penalty; requiring promulgation of rules; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6850.2 of Title 36, unless there is created a duplication in numbering, reads as follows:

A. As used in this section:

1. "Insurer" means an insurer as defined pursuant to Section 6054 of Title 36 of the Oklahoma Statutes;

2. "Practitioner" means a practitioner as defined pursuant to Section 6054 of Title 36 of the Oklahoma Statutes; and

3. "Prescription drug" or "drug" means a prescription drug as defined pursuant to Section 367.2 of Title 59 of the Oklahoma Statutes.

B. An insurer shall not modify an insured's coverage of a prescription drug if the following conditions are met:

1. The drug had been previously preauthorized for coverage by the insurer or was listed on the formulary of the insurer at the time the insured was prescribed the drug by his or her practitioner;

2. The insured has already received the drug; and

3. A practitioner continues to prescribe the drug to the insured.

C. Modification prohibited under this section shall include, but not be limited to:

1. Increasing the premium, copayment, coinsurance, or deductible;

2. Denying or otherwise failing to provide continued coverage of the prescription drug;

3. Moving the drug to a more restrictive coverage category or tier; or

4. Replacing the brand-name drug for a generic drug after the insured has qualified for the brand-name drug pursuant to this section.

D. Nothing in this section shall be construed to prohibit an insurer from modifying coverage of a prescription drug if:

1. The federal Food and Drug Administration has issued a statement calling into question the clinical safety of the drug; or

2. The manufacturer of the drug has notified the federal Food and Drug Administration of a manufacturing discontinuance or potential discontinuance of the drug, as required by 21 U.S.C. 356c.

E. Any insurer that violates the provisions of this section shall be subject to a civil penalty in an amount to be determined by the Insurance Commissioner. The Insurance Commissioner shall promulgate rules to effectuate the provisions of this section.

SECTION 2. This act shall become effective November 1, 2023.

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