

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 60th Legislature (2025)

4 HOUSE BILL 2048

 By: Stinson, Deck, and **Moore**

7 AS INTRODUCED

8 An Act relating to prescriptions; creating the 340B
9 Nondiscrimination Act; defining terms; prohibiting
10 certain discriminatory actions related to
 reimbursement of certain entities; prohibiting
11 certain discriminatory actions by a manufacturer or
 distributor related to certain entities; providing
 for enforcement by the Attorney General and Insurance
12 Commissioner; providing for violations; providing for
 federal preemption; providing a severability clause;
13 amending 36 O.S. 2021, Sections 6960, as last amended
 by Section 1, Chapter 306, O.S.L. 2024 (36 O.S. Supp.
14 2024, Sections 6960, 6962 and 6966.1), which relate
 to the Patient's Right to Pharmacy Choice Act; adding
15 definitions; prohibiting a Pharmacy Benefits Manager
 (PBM) or agent of a PBM to do certain things;
16 providing for codification; and providing an
 effective date.

17
18
19 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

20 SECTION 1. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 5400 of Title 36, unless there
22 is created a duplication in numbering, reads as follows:

23 This act shall be known and may be cited as the "340B
24 Nondiscrimination Act".

1 SECTION 2. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 5401 of Title 36, unless there
3 is created a duplication in numbering, reads as follows:

4 As used in this act:

5 1. "340B drug" means a drug that has been subject to any offer
6 for reduced prices by a manufacturer pursuant to Section 256b of
7 Title 42 of the United States Code and is purchased by a covered
8 entity as defined in Section 256b(a)(4) of Title 42 of the United
9 States Code;

10 2. "340B entity" means an entity participating or authorized to
11 participate in the federal 340B drug discount program, as described
12 in Section 256b of Title 42 of the United States Code, including its
13 pharmacy, or any pharmacy contracted with the participating entity
14 to dispense drugs purchased through the 340B drug discount program;

15 3. "Pharmacy" means a pharmacy licensed by the Oklahoma State
16 Board of Pharmacy, except that patients who are provided pharmacy
17 care shall be physically located in the state; and

18 4. "Pharmacy benefits manager" means a person that performs
19 pharmacy benefits management and any other person acting for such
20 person under a contractual or employment relationship in the
21 performance of pharmacy benefits management for a managed care
22 company, nonprofit hospital, medical service organization, insurance
23 company, third-party payor or a health program administered by a
24 department of this state.

1 SECTION 3. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 5402 of Title 36, unless there
3 is created a duplication in numbering, reads as follows:

4 A. With respect to reimbursement to a 340B entity for 340B
5 drugs, a health insurance issuer, pharmacy benefits manager, other
6 third-party payor, or its agent shall not:

7 1. Reimburse a 340B entity for 340B drugs at a rate lower than
8 that paid for the same drug to entities that are not 340B entities
9 or lower reimbursement for a claim on the basis that the claim is
10 for a 340B drug;

11 2. Impose any terms or conditions on any 340B entity with
12 respect to any of the following that differ from such terms or
13 conditions applied to non-340B entities on the basis that the entity
14 participates in the federal 340B drug discount program set forth in
15 Section 256b of Title 42 of the United States Code or that a drug is
16 a 340B drug including, without limitation, any of the following:

17 a. fees, charges, clawbacks, or other adjustments or
18 assessments. For purposes of this subsection, the
19 term "other adjustments" includes placing any
20 additional requirements, restrictions, or unnecessary
21 burdens upon the 340B entity that result in
22 administrative costs or fees to the 340B entity that
23 are not placed upon other entities that do not
24 participate in the 340B drug discount program,

1 including affiliate pharmacies of the health insurance
2 issuer, pharmacy benefits manager, or other third-
3 party payor,

4 b. dispensing fees that are less than the dispensing fees
5 for non-340B entities,

6 c. restrictions or requirements regarding participation
7 in standard or preferred pharmacy networks,

8 d. requirements relating to the frequency or scope of
9 audits of inventory management systems,

10 e. requirements that a claim for a drug include any
11 identification, billing modifier, attestation, or
12 other indication that a drug is a 340B drug in order
13 to be processed or resubmitted unless it is required
14 by the Centers for Medicare and Medicaid Services or
15 the Oklahoma Health Care Authority for the
16 administration of the Oklahoma Medicaid program, or

17 f. any other restrictions, conditions, practices, or
18 policies that are not imposed on non-340B entities.

19 3. Require a 340B entity to reverse, resubmit, or clarify a
20 claim after the initial adjudication unless these actions are in the
21 normal course of pharmacy business and not related to 340B drug
22 pricing;

23 4. Discriminate against a 340B entity in a manner that
24 prevents or interferes with any patient's choice to receive such

1 | drugs from the 340B entity, including the administration of such
2 | drugs. For purposes of this subsection, it is considered a
3 | discriminatory practice that prevents or interferes with a patient's
4 | choice to receive drugs at a 340B entity if a health insurance
5 | issuer, pharmacy benefits manager, or other third-party payor places
6 | any additional requirements, restrictions, or unnecessary burdens
7 | upon the 340B entity that results in administrative costs or fees to
8 | the 340B entity, including but not limited to, requiring a claim for
9 | a drug to include any identification, billing modifier, attestation,
10 | or other indication that a drug is a 340B drug in order to be
11 | processed or resubmitted unless it is required by the Centers for
12 | Medicare and Medicaid Services or the Oklahoma Health Care Authority
13 | in administration of the Oklahoma Medicaid program;

14 | 5. Include any other provision in a contract between a health
15 | insurance issuer, pharmacy benefits manager, or other third-party
16 | payor and a 340B entity that discriminates against the 340B entity
17 | or prevents or interferes with an individual's choice to receive a
18 | prescription drug from a 340B entity, including the administration
19 | of the drug, in person or via direct delivery, mail, or other form
20 | of shipment, or creation of a restriction or additional charge on a
21 | patient who chooses to receive drugs from a 340B entity;

22 | 6. Require or compel the submission of ingredient costs or
23 | pricing data pertaining to 340B drugs to any health insurance
24 | issuer, pharmacy benefits manager, or other third-party payor; or

1 7. Exclude any 340B entity from the health insurance issuer,
2 pharmacy benefits manager, or other third-party payor network on the
3 basis that the 340B entity dispenses drugs subject to an agreement
4 under Section 256b of Title 42 of the United States Code, or
5 refusing to contract with a 340B entity for reasons other than those
6 that apply equally to non-340B entities.

7 B. Nothing in this section applies to the Oklahoma Medicaid
8 program as payor when Medicaid provides reimbursement for covered
9 outpatient drugs as defined in Section 1396r-8(k) of Title 42 of the
10 United States Code.

11 SECTION 4. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 5403 of Title 36, unless there
13 is created a duplication in numbering, reads as follows:

14 A. A manufacturer or distributor shall not deny, restrict,
15 prohibit, or otherwise interfere with, either directly or
16 indirectly, the acquisition of a 340B drug by, or delivery of a 340B
17 drug to, a pharmacy that is under contract with a 340B entity and is
18 authorized under such contract to receive and dispense 340B drugs on
19 behalf of the covered entity unless such receipt is prohibited by
20 the United States Department of Health and Human Services.

21 B. A manufacturer or distributor shall not interfere with a
22 pharmacy contracted with a 340B entity.

23
24

1 SECTION 5. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 5404 of Title 36, unless there
3 is created a duplication in numbering, reads as follows:

4 The Attorney General may make rules and regulations interpreting
5 the provisions of this act and shall be responsible for enforcement
6 of this act. The Attorney General may impose civil fines of not
7 less than One Hundred Dollars (\$100.00) and not greater than Ten
8 Thousand Dollars (\$10,000.00) for each violation of the provisions
9 of this act.

10 A violation occurs each time a prohibited act is committed.

11 SECTION 6. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 5405 of Title 36, unless there
13 is created a duplication in numbering, reads as follows:

14 A. Nothing in this section is to be construed or applied to be
15 less restrictive than federal law for a person or entity regulated
16 by this act.

17 B. Nothing in this act is to be construed or applied to be in
18 conflict with any of the following:

- 19 1. Applicable federal law and related regulations; or
- 20 2. Other laws of this state if the state law is compatible with
21 applicable federal law.

22 C. Limited distribution of a drug required under Section 355-1
23 of Title 21 of the United States Code is not to be construed as a
24 violation of this section.

1 D. If any provision of this act, an amendment made by this act,
2 or the application of such provision or amendment to any person or
3 circumstance is held to be unconstitutional, the remainder of this
4 act, the amendments made by this act, and the application of the
5 provisions of such to any person or circumstance shall not be
6 affected thereby.

7 SECTION 7. AMENDATORY 36 O.S. 2021, Section 6960, as
8 last amended by Section 1, Chapter 306, O.S.L. 2024 (36 O.S. Supp.
9 2024, Section 6960), is amended to read as follows:

10 Section 6960. A. For purposes of the Patient's Right to
11 Pharmacy Choice Act:

12 1. "340B drug pricing" means the pricing agreement established
13 under Section 602 of the Veterans Health Care Act of 1992, Pub. L.
14 No. 102-585;

15 2. "340B entity" means a covered entity as that term is defined
16 in 42 U.S.C., Section 256b;

17 3. "Covered entity" means a nonprofit hospital or medical
18 service organization, for-profit hospital or medical service
19 organization, insurer, health benefit plan, health maintenance
20 organization, health program administered by the state in the
21 capacity of providing health coverage, or an employer, labor union,
22 or other group of persons that provides health coverage to persons
23 in this state. This term does not include a health plan that
24 provides coverage only for accidental injury, specified disease,

1 hospital indemnity, disability income, or other limited benefit
2 health insurance policies and contracts that do not include
3 prescription drug coverage;

4 ~~2.~~ 4. "Health insurer" means any corporation, association,
5 benefit society, exchange, partnership or individual licensed by the
6 Oklahoma Insurance Code;

7 ~~3.~~ 5. "Health insurer payor" means a health insurance company,
8 health maintenance organization, union, hospital and medical
9 services organization or any entity providing or administering a
10 self-funded health benefit plan;

11 ~~4.~~ 6. "Mail-order pharmacy" means a pharmacy licensed by this
12 state that primarily dispenses and delivers covered drugs via common
13 carrier;

14 ~~5.~~ 7. "Pharmacy benefits manager" or "PBM" means a person,
15 business, or other entity that performs pharmacy benefits
16 management. The term shall include a person or entity acting on
17 behalf of a PBM in a contractual or employment relationship in the
18 performance of pharmacy benefits management for a managed care
19 company, nonprofit hospital, medical service organization, insurance
20 company, third-party payor or a health program administered by a
21 department of this state;

22 ~~6.~~ 8. "Pharmacy benefits management" means a service provided
23 to covered entities to facilitate the provisions of prescription
24 drug benefits to covered individuals within the state, including,

1 but not limited to, negotiating pricing and other terms with drug
2 manufacturers and providers. Pharmacy benefits management may
3 include any or all of the following services:

- 4 a. claims processing, retail network management, and
5 payment of claims to pharmacies for prescription drugs
6 dispensed to covered individuals,
- 7 b. administration or management of pharmacy discount
8 cards or programs,
- 9 c. clinical formulary development and management
10 services, or
- 11 d. rebate contracting and administration;

12 ~~7.~~ 9. "Provider" means a pharmacy, as defined in Section 353.1
13 of Title 59 of the Oklahoma Statutes or an agent or representative
14 of a pharmacy;

15 ~~8.~~ 10. "Retail pharmacy network" means retail pharmacy
16 providers contracted with a PBM in which the pharmacy primarily
17 fills and sells prescriptions via a retail, storefront location;

18 ~~9.~~ 11. "Rural service area" means a five-digit ZIP code in
19 which the population density is less than one thousand (1,000)
20 individuals per square mile;

21 ~~10.~~ 12. "Spread pricing" means a prescription drug pricing
22 model utilized by a pharmacy benefits manager in which the PBM
23 charges a health benefit plan a contracted price for prescription
24

1 drugs that differs from the amount the PBM directly or indirectly
2 pays the pharmacy or pharmacist for providing pharmacy services;

3 ~~11.~~ 13. "Suburban service area" means a five-digit ZIP code in
4 which the population density is between one thousand (1,000) and
5 three thousand (3,000) individuals per square mile; and

6 ~~12.~~ 14. "Urban service area" means a five-digit ZIP code in
7 which the population density is greater than three thousand (3,000)
8 individuals per square mile.

9 B. Nothing in the definitions of pharmacy benefits manager or
10 pharmacy benefits management as such terms are defined in the
11 Patient's Right to Pharmacy Choice Act, the Pharmacy Audit Integrity
12 Act, or Sections 357 through 360 of Title 59 of the Oklahoma
13 Statutes shall be construed to deem the following entities to be a
14 pharmacy benefits manager:

15 1. An employer of its own self-funded health benefit plan,
16 except, to the extent permitted by applicable law, where the
17 employer without the utilization of a third party and unrelated to
18 the employer's own pharmacy:

- 19 a. negotiates directly with drug manufacturers,
- 20 b. processes claims on behalf of its members, or
- 21 c. manages its own retail network of pharmacies; or

22 2. A pharmacy that provides a patient with a discount card or
23 program that is for exclusive use at the pharmacy offering the
24 discount.

1 SECTION 8. AMENDATORY 36 O.S. 2021, Section 6962, as
2 last amended by Section 2, Chapter 306, O.S.L. 2024 (36 O.S. Supp.
3 2024, Section 6962), is amended to read as follows:

4 Section 6962. A. The Attorney General shall review and approve
5 retail pharmacy network access for all pharmacy benefits managers
6 (PBMs) to ensure compliance with Section 6961 of this title.

7 B. A PBM, or an agent of a PBM, shall not:

8 1. Cause or knowingly permit the use of advertisement,
9 promotion, solicitation, representation, proposal or offer that is
10 untrue, deceptive or misleading;

11 2. Charge a pharmacist or pharmacy a fee related to the
12 adjudication of a claim including without limitation a fee for:

- 13 a. the submission of a claim,
- 14 b. enrollment or participation in a retail pharmacy
15 network, or
- 16 c. the development or management of claims processing
17 services or claims payment services related to
18 participation in a retail pharmacy network;

19 3. Reimburse a pharmacy or pharmacist in the state an amount
20 less than the amount that the PBM reimburses a pharmacy owned by or
21 under common ownership with a PBM for providing the same covered
22 services. The reimbursement amount paid to the pharmacy shall be
23 equal to the reimbursement amount calculated on a per-unit basis
24

1 using the same generic product identifier or generic code number
2 paid to the PBM-owned or PBM-affiliated pharmacy;

3 4. Deny a provider the opportunity to participate in any
4 pharmacy network at preferred participation status if the provider
5 is willing to accept the terms and conditions that the PBM has
6 established for other providers as a condition of preferred network
7 participation status;

8 5. Deny, limit or terminate a provider's contract based on
9 employment status of any employee who has an active license to
10 dispense, despite probation status, with the State Board of
11 Pharmacy;

12 6. Retroactively deny or reduce reimbursement for a covered
13 service claim after returning a paid claim response as part of the
14 adjudication of the claim, unless:

- 15 a. the original claim was submitted fraudulently, or
16 b. to correct errors identified in an audit, so long as
17 the audit was conducted in compliance with Sections
18 356.2 and 356.3 of Title 59 of the Oklahoma Statutes;

19 7. Fail to make any payment due to a pharmacy or pharmacist for
20 covered services properly rendered in the event a PBM terminates a
21 provider from a pharmacy benefits manager network;

22 8. Conduct or practice spread pricing, as defined in Section
23 6960 of this title, in this state; ~~or~~

24

1 9. Charge a pharmacist or pharmacy a fee related to
2 participation in a retail pharmacy network including but not limited
3 to the following:

- 4 a. an application fee,
- 5 b. an enrollment or participation fee,
- 6 c. a credentialing or re-credentialing fee,
- 7 d. a change of ownership fee, or
- 8 e. a fee for the development or management of claims
9 processing services or claims payment services.

10 10. Discriminate, offer lower reimbursement, or impose any
11 separate terms upon a provider on the basis that a provider
12 participates in 340B drug pricing;

13 11. Require a provider to reverse, resubmit, or clarify a 340B
14 drug pricing claim after the initial adjudication unless these
15 actions are in normal course of pharmacy business and not related to
16 340B drug pricing;

17 12. Require a billing modifier to indicate that the drug or
18 claim is a 340B drug pricing claim, unless the drug or claim is
19 being billed to the Oklahoma Medicaid Program;

20 13. Modify a patient copayment on the basis that the provider
21 of the patient participates in 340B drug pricing;

22 14. Exclude a provider from a network on the basis that the
23 provider participates in 340B drug pricing;

1 15. Establish or set network adequacy requirements based on
2 340B drug pricing participation by a provider;

3 16. Prohibit a 340B entity or a pharmacy under contract with a
4 340B entity from participating in the network of the PBM on the
5 basis of participation in 340B drug pricing; or

6 17. Base the drug formulary or drug coverage decisions upon the
7 340B drug pricing status of a drug, including price or availability,
8 or whether a dispensing pharmacy participates in 340B drug pricing.

9 C. The prohibitions under this section shall apply to contracts
10 between pharmacy benefits managers and providers for participation
11 in retail pharmacy networks.

12 1. A PBM contract shall:

13 a. not restrict, directly or indirectly, any pharmacy
14 that dispenses a prescription drug from informing, or
15 penalize such pharmacy for informing, an individual of
16 any differential between the individual's out-of-
17 pocket cost or coverage with respect to acquisition of
18 the drug and the amount an individual would pay to
19 purchase the drug directly, and

20 b. ensure that any entity that provides pharmacy benefits
21 management services under a contract with any such
22 health plan or health insurance coverage does not,
23 with respect to such plan or coverage, restrict,
24 directly or indirectly, a pharmacy that dispenses a

1 prescription drug from informing, or penalize such
2 pharmacy for informing, a covered individual of any
3 differential between the individual's out-of-pocket
4 cost under the plan or coverage with respect to
5 acquisition of the drug and the amount an individual
6 would pay for acquisition of the drug without using
7 any health plan or health insurance coverage, and
8 c. eliminate discriminatory contracting as it relates to:
9 (1) transferring the benefit of 340B drug pricing
10 savings from a 340B entity to another entity,
11 including without limitation pharmacy benefits
12 managers, private insurers, and managed care
13 organizations,
14 (2) offering a lower reimbursement rate for drugs
15 purchased under 340B drug pricing than for the
16 same drug not purchased under 340B drug pricing,
17 (3) refusal to cover drug purchases utilizing 340B
18 drug pricing,
19 (4) refusal to allow providers who utilize 340B drug
20 pricing to participate in networks, and
21 (5) charging more than fair market value or seeking
22 profit sharing in exchange for services involving
23 340B drug pricing.
24

1 2. A pharmacy benefits manager's contract with a provider shall
2 not prohibit, restrict, or limit disclosure of information or
3 documents to the Attorney General, law enforcement or state and
4 federal governmental officials investigating or examining a
5 complaint or conducting a review of a pharmacy benefits manager's
6 compliance with the requirements under the Patient's Right to
7 Pharmacy Choice Act, the Pharmacy Audit Integrity Act, and Sections
8 357 through 360 of Title 59 of the Oklahoma Statutes.

9 D. A pharmacy benefits manager shall:

10 1. Establish and maintain an electronic claim inquiry
11 processing system using the National Council for Prescription Drug
12 Programs' current standards to communicate information to pharmacies
13 submitting claim inquiries;

14 2. Fully disclose to insurers, self-funded employers, unions or
15 other PBM clients the existence of the respective aggregate
16 prescription drug discounts, rebates received from drug
17 manufacturers and pharmacy audit recoupments;

18 3. Provide the Attorney General, insurers, self-funded employer
19 plans and unions unrestricted audit rights of and access to the
20 respective PBM pharmaceutical manufacturer and provider contracts,
21 plan utilization data, plan pricing data, pharmacy utilization data
22 and pharmacy pricing data;

23 4. Maintain, for no less than three (3) years, documentation of
24 all network development activities including but not limited to

1 contract negotiations and any denials to providers to join networks.
2 This documentation shall be made available to the Attorney General
3 upon request; ~~and~~

4 5. Report to the Attorney General, on a quarterly basis for
5 each health insurer payor, on the following information:

6 a. the aggregate amount of rebates received by the PBM,

7 b. the aggregate amount of rebates distributed to the
8 appropriate health insurer payor,

9 c. the aggregate amount of rebates passed on to the
10 enrollees of each health insurer payor at the point of
11 sale that reduced the applicable deductible,
12 copayment, coinsure or other cost sharing amount of
13 the enrollee,

14 d. the individual and aggregate amount paid by the health
15 insurer payor to the PBM for pharmacy services
16 itemized by pharmacy, drug product and service
17 provided, and

18 e. the individual and aggregate amount a PBM paid a
19 provider for pharmacy services itemized by pharmacy,
20 drug product and service provided. ;

21 6. Make drug formulary and coverage decisions based on the
22 normal course of business of the PBM, not based upon the 340B drug
23 pricing status of a drug, including price or availability, or
24 whether a dispensing pharmacy participates in 340B drug pricing.

1 E. Nothing in the Patient's Right to Pharmacy Choice Act shall
2 prohibit the Attorney General from requesting and obtaining detailed
3 data, including raw data, in response to the information provided by
4 a PBM in the quarterly reports required by this section. The
5 Attorney General may alter the frequency of the reports required by
6 this section at his or her sole discretion.

7 F. The Attorney General may promulgate rules to implement the
8 provisions of the Patient's Right to Pharmacy Choice Act, the
9 Pharmacy Audit Integrity Act, and Sections 357 through 360 of Title
10 59 of the Oklahoma Statutes.

11 SECTION 9. AMENDATORY Section 3, Chapter 38, O.S.L.
12 2022, as last amended by Section 4, Chapter 306, O.S.L. 2024 (36
13 O.S. Supp. 2024, Section 6966.1), is amended to read as follows:

14 Section 6966.1. A. The Insurance Commissioner may censure,
15 suspend, revoke, or refuse to issue or renew a license of or levy a
16 civil penalty against any person licensed under the insurance laws
17 of this state for any violation of the Patient's Right to Pharmacy
18 Choice Act, Section 6958 et seq. of this title.

19 B. 1. If the Attorney General finds, after notice and
20 opportunity for hearing, that a pharmacy benefits manager (PBM)
21 violated one or more provisions of the Patient's Right to Pharmacy
22 Choice Act, the Pharmacy Audit Integrity Act or the provisions of
23 Sections 357 through 360 of Title 59 of the Oklahoma Statutes, the
24 Attorney General may instruct the Insurance Commissioner that the

1 PBM be censured or his or her license be suspended or revoked. If
2 the Attorney General makes such instruction, the Commissioner shall
3 enforce such action within thirty (30) days.

4 2. In addition to or in lieu of any censure or suspension or
5 revocation of a license by the Commissioner, the Attorney General
6 may levy a civil or administrative fine not less than One Hundred
7 Dollars (\$100.00) and not greater than Ten Thousand Dollars
8 (\$10,000.00) for each violation of the provisions of the Patient's
9 Right to Pharmacy Choice Act, the Pharmacy Audit Integrity Act or
10 the provisions of Sections 357 through 360 of Title 59 of the
11 Oklahoma Statutes.

12 3. The Attorney General may order restitution for economic loss
13 suffered by pharmacies or patients for violations of the Patient's
14 Right to Pharmacy Choice Act, the Pharmacy Audit Integrity Act, or
15 the provisions of Sections 357 through 360 of Title 59 of the
16 Oklahoma Statutes.

17 C. Notwithstanding whether the license of a PBM has been
18 issued, suspended, revoked, surrendered or lapsed by operation of
19 law, the Attorney General is hereby authorized to enforce the
20 provisions of the Patient's Right to Pharmacy Choice Act and impose
21 any penalty or remedy authorized under the act against a PBM under
22 investigation for or charged with a violation of the Patient's Right
23 to Pharmacy Choice Act, the Pharmacy Audit Integrity Act, the
24

1 provisions of Sections 357 through 360 of Title 59 of the Oklahoma
2 Statutes or any provision of the insurance laws of this state.

3 D. Each day that a PBM conducts business in this state without
4 a license from the Insurance Department shall be deemed a violation
5 of the Patient's Right to Pharmacy Choice Act.

6 E. 1. All hearings conducted by the Office of the Attorney
7 General pursuant to this section shall be public and held in
8 accordance with the Administrative Procedures Act.

9 2. Hearings shall be held at the Office of the Attorney General
10 or any other place the Attorney General may deem convenient.

11 3. The Attorney General, upon written request from a PBM
12 affected by the hearing, shall cause a full stenographic record of
13 the proceedings to be made by a competent court reporter. This
14 record shall be at the expense of the PBM.

15 4. The ordinary fees and costs of the hearing examiner
16 appointed pursuant to Section 319 of this title may be assessed by
17 the hearing examiner against the respondent unless the respondent is
18 the prevailing party.

19 F. Any PBM whose license has been censured, suspended, revoked
20 or denied renewal or who has had a fine levied against him or her
21 shall have the right of appeal from the final order of the Attorney
22 General, pursuant to Section 318 et seq. of Title 75 of the Oklahoma
23 Statutes.

24

1 G. If the Attorney General determines, based upon an
2 investigation of complaints, that a PBM has engaged in violations of
3 the provisions of the Patient's Right to Pharmacy Choice Act, the
4 Pharmacy Audit Integrity Act, and Sections 357 through 360 of Title
5 59 of the Oklahoma Statutes with such frequency as to indicate a
6 general business practice, and that the PBM should be subjected to
7 closer supervision with respect to those practices, the Attorney
8 General may require the PBM to file a report at any periodic
9 interval the Attorney General deems necessary.

10 H. 1. The Attorney General shall have the authority to collect
11 all fines, penalties, restitution, and interest thereon pursuant to
12 the provisions of the Patient's Right to Pharmacy Choice Act, the
13 Pharmacy Audit Integrity Act, and the provisions of Sections 357
14 through 360 of Title 59 of the Oklahoma Statutes, or any other
15 charge, cause of action, prelitigation settlement, or other
16 settlement that requires the recovery of money as a result of
17 violations of the Patient's Right to Pharmacy Choice Act. Funds
18 collected by the Attorney General pursuant to the Patient's Right to
19 Pharmacy Choice Act, the Pharmacy Audit Integrity Act, and Sections
20 357 through 360 of Title 59 of the Oklahoma Statutes shall be
21 deposited into the Attorney General's Pharmacy Benefits Manager
22 Enforcement Revolving Fund created in Section 5 of this act.

23 2. Costs of investigation, litigation, attorney fees, and other
24 expenses incurred shall be retained by the Office of the Attorney

1 General. Remaining funds shall be distributed to pharmacists,
2 patients, or other injured parties as determined by the Attorney
3 General.

4 3. The Attorney General shall promulgate rules for the
5 distribution of funds pursuant to this subsection.

6 I. All claims processed by a PBM on behalf of a provider that
7 participates in 340B drug pricing or on behalf of a 340B entity
8 shall be deemed final at the point of adjudication.

9 SECTION 10. This act shall become effective November 1, 2025.

10

11 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY AND PUBLIC SAFETY
12 OVERSIGHT, dated 03/06/2025 - DO PASS, As Coauthored.

13

14

15

16

17

18

19

20

21

22

23

24