

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 HOUSE BILL 2801

By: Marti

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6 AS INTRODUCED

7 An Act relating to antipsychotic drugs; amending 56  
8 O.S. 2021, Section 204, which relates to vendor drug  
9 program; authorizing the Oklahoma Health Care  
10 Authority to approve prior authorized antipsychotics;  
11 providing for certain disorders; establishing certain  
12 prior authorization; and providing an effective date.

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

14 SECTION 1. AMENDATORY 56 O.S. 2021, Section 204, is  
15 amended to read as follows:

16 Section 204. A. Except as otherwise provided, the Oklahoma  
17 Health Care Authority shall be authorized and directed to establish  
18 a vendor drug program to provide any drugs that have been approved  
19 and designated as safe and effective by the federal Food and Drug  
20 Administration, and that are prescribed by a licensed medical,  
21 dental, podiatric, or osteopathic practitioner for eligible  
22 recipients of assistance payments suffering from painful or life-  
23 endangering diseases or other persons who are suffering from a  
24 catastrophic illness.

1 B. The Authority shall, in accordance with federal law, not be  
2 obligated to cover any outpatient drugs of a manufacturer which has  
3 not entered into or which does not have in effect a rebate agreement  
4 with the Secretary of Health and Human Services on behalf of the  
5 state.

6 C. Such program shall, to the fullest extent possible, be  
7 established and maintained in conjunction with existing federal  
8 programs of prescribed drugs so as to earn the maximum of federal  
9 financial participation. Exempt from the provisions of this section  
10 are the following drugs or classes of drugs, or their medical uses:

- 11 1. Agents when used for anorexia or weight gain;
- 12 2. Agents when used to promote fertility;
- 13 3. Agents when used for cosmetic purposes or hair growth;
- 14 4. Agents when used for the symptomatic relief of coughs and  
15 colds;
- 16 5. Agents when used to promote smoking cessation;
- 17 6. Prescription vitamins and mineral products, except prenatal  
18 vitamins and fluoride preparations;
- 19 7. Nonprescription drugs;
- 20 8. Covered outpatient drugs when the manufacturer seeks to  
21 require as a condition of sale that associated tests or monitoring  
22 services be purchased exclusively from the manufacturer or its  
23 designee;

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1 9. Drugs described in paragraph 3 of subsection c of Section  
2 107 of the Drug Amendments of 1962, 21 U.S.C., Section 107(c)(3),  
3 and identical, similar or related drugs, within the meaning of  
4 paragraph 1 of subsection b of Section 310.6 of Title 21 of the Code  
5 of Federal Regulations;

6 10. Barbiturates; or

7 11. Benzodiazepines;

8 provided, however, the Authority shall be authorized to include  
9 specific drugs within these categories for reimbursement based upon  
10 specific medical need.

11 D. The Authority shall be authorized to establish a prospective  
12 drug utilization review program for the H2 Antagonists; provided  
13 that such limitations are in compliance with federal Food and Drug  
14 Administration Agency-approved product labeling.

15 E. The Authority shall approve a prior authorization request  
16 for any FDA approved atypical antipsychotic that is not on the  
17 preferred drug list for the treatment and prevention of mood  
18 disorders with psychotic symptoms including bipolar disorders,  
19 schizophrenia, and schizotypal or delusion disorders. Medications  
20 included under this section shall be available at parity to other  
21 branded medications in the same class. Approval shall be based on  
22 patient's claims history or health care provider attestation of one  
23 of the following conditions for the Medicaid client:  
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- 1        1. A trial and failure of any preferred atypical antipsychotic  
2 in the preceding three hundred sixty-five (365) days; or  
3        2. The patient is stable on an atypical antipsychotic that is  
4 not included on the preferred drug list.

5        SECTION 2. This act shall become effective November 1, 2025.

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