

1 STATE OF OKLAHOMA

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

3 SENATE BILL 771

By: Deevers

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5  
6 AS INTRODUCED

7 An Act relating to advertising; stating findings and  
8 declarations; defining terms; prohibiting certain  
9 direct-to-consumer advertising by pharmaceutical  
10 companies; listing prohibited acts; creating felony  
11 offense; providing exceptions; providing for  
12 noncodification; providing for codification;  
13 providing an effective date; and declaring an  
14 emergency.

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

16 SECTION 1. NEW LAW A new section of law not to be  
17 codified in the Oklahoma Statutes reads as follows:

18 The Legislature of the State of Oklahoma finds and declares:

19 1. Direct-to-consumer (DTC) advertising has the potential to  
20 exploit lay understanding of medical science, exposing the public to  
21 persuasive marketing tactics that may compromise informed decision-  
22 making, mislead consumers by underplaying risks, and cause undue  
23 burden on physicians' prescribing practices; and

24 2. Past instances of misleading DTC pharmaceutical advertising  
25 have resulted in immense harm to public health such as the  
26 aggressive advertising campaigns for OxyContin, Vioxx, and Zyprexa.

1 Purdue Pharma's OxyContin advertising played a huge part in the  
2 opioid addiction crisis and the company settled with the United  
3 States Department of Justice for Eight Billion Three Hundred Million  
4 Dollars (\$8,300,000,000.00) for their role in 2020. In 2019, Purdue  
5 settled with Oklahoma for Two Hundred Seventy Million Dollars  
6 (\$270,000,000.00);

7 3. Newly approved medications advertised directly to consumers  
8 may present unknown long-term risks, exposing patients to potential  
9 harm, such as with the Vioxx debacle which resulted in Merck paying  
10 Four Billion Eight Hundred Fifty Million Dollars (\$4,850,000,000.00)  
11 to end the lawsuits;

12 4. The United States is one of only two countries globally that  
13 permits DTC pharmaceutical advertising. One hundred ninety-three  
14 out of the world's one hundred ninety-five countries do not permit  
15 DTC pharmaceutical advertising. Prohibiting this practice would  
16 align Oklahoma with the global norm;

17 5. The costs of advertising are frequently passed on to  
18 consumers in a field where such advertising is not necessary, with  
19 advertising budgets for some drugs in the hundreds of millions of  
20 dollars, resulting in higher drug prices and imposing financial  
21 burdens on patients and health care systems;

22 6. DTC advertising could compromise the integrity of the  
23 doctor-patient relationship by creating improper pressure on doctors  
24 to prescribe certain advertised medications. Banning DTC

1 pharmaceutical advertising would encourage better communication and  
2 trust between patients and their health care providers, fostering  
3 informed and responsible medical decision-making;

4 7. DTC advertising often prioritizes the promotion of lifestyle  
5 medications over essential, life-saving drugs, distorting health  
6 care priorities; and

7 8. DTC advertising promotes the over-medicalization of common  
8 conditions, often urging consumers to pursue pharmacological  
9 solutions over alternative treatments or lifestyle modifications.

10 SECTION 2. NEW LAW A new section of law to be codified  
11 in the Oklahoma Statutes as Section 9000 of Title 63, unless there  
12 is created a duplication in numbering, reads as follows:

13 As used in this act:

14 1. "Direct-to-consumer pharmaceutical advertising" refers to  
15 any promotional communication targeting consumers including, but not  
16 limited to, television, radio, print media, digital platforms, and  
17 social media, that markets prescription drugs; and

18 2. "Pharmaceutical companies" refers to entities involved in  
19 the research, development, production, or distribution of  
20 prescription drugs.

21 SECTION 3. NEW LAW A new section of law to be codified  
22 in the Oklahoma Statutes as Section 9001 of Title 63, unless there  
23 is created a duplication in numbering, reads as follows:

1 A. No pharmaceutical company shall engage in direct-to-consumer  
2 advertising of prescription drugs within this state.

3 B. Prohibited activities include, but are not limited to:

4 1. Broadcasting advertisements for prescription drugs via  
5 television, radio, online streaming services, billboards, email,  
6 text messaging, or social media;

7 2. Publishing advertisements for prescription drugs in print or  
8 digital publications distributed within Oklahoma; and

9 3. Targeting Oklahoma residents with prescription drug  
10 advertisements through digital or social media platforms.

11 SECTION 4. NEW LAW A new section of law to be codified  
12 in the Oklahoma Statutes as Section 9002 of Title 63, unless there  
13 is created a duplication in numbering, reads as follows:

14 A. Any individual or entity violating the provisions of this  
15 act shall, upon conviction, be guilty of a felony.

16 B. A felony conviction under this act shall be punishable by a  
17 fine not exceeding Five Hundred Thousand Dollars (\$500,000.00) or  
18 imprisonment in the custody of the Department of Corrections for a  
19 term not exceeding five (5) years, or by both such fine and  
20 imprisonment.

21 C. Each instance of prohibited advertising shall constitute a  
22 separate offense.

1 SECTION 5. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 9003 of Title 63, unless there  
3 is created a duplication in numbering, reads as follows:

4 This act shall not apply to:

5 1. Educational materials distributed by health care providers  
6 directly to their patients;

7 2. Internal communications within health care organizations;

8 3. Communications required by federal or state law;

9 4. Advertisements related to public health campaigns that  
10 educate the public about medication, treatments, and health  
11 conditions, provided they are not promoting a specific  
12 pharmaceutical product;

13 5. Advertisements that promote clinical trials or other  
14 research opportunities related to prescription drugs, provided that  
15 they comply with ethical and legal standards and are not promoting  
16 the use of the drug outside of a controlled trial setting;

17 6. Advertisements that inform consumers about insurance  
18 coverage for prescription drugs, such as coverage options through  
19 Medicaid, Medicare, or private insurers, provided these  
20 advertisements do not directly promote specific drugs or brands; or

21 7. Advertisements or communications related to patient  
22 assistance programs that provide financial support or subsidies for  
23 individuals who are unable to afford their medications, provided  
24 these communications are not directly promoting a specific product.

1 SECTION 6. This act shall become effective July 1, 2025.

2 SECTION 7. It being immediately necessary for the preservation  
3 of the public peace, health or safety, an emergency is hereby  
4 declared to exist, by reason whereof this act shall take effect and  
5 be in full force from and after its passage and approval.  
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