

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 HOUSE BILL 2852

By: Pae

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6 AS INTRODUCED

7 An Act relating to public health; directing the State
8 Department of Health to apply for approval of program
9 in accordance with 21 U.S.C., Section 384 for
10 importation of prescription drugs; providing deadline
11 for application; authorizing establishment of fee;
12 providing list of prohibited activities; providing
13 for codification; and providing an effective date.

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

15 SECTION 1. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 1-1432 of Title 63, unless there
17 is created a duplication in numbering, reads as follows:

18 A. The State Department of Health shall make application to the
19 United States Secretary of Health and Human Services for approval of
20 a program in full accordance with the provisions of 21 U.S.C.,
21 Section 384 and shall determine the appropriate rules and
22 regulations to apply for and administer the program upon approval
23 from the United States Secretary of Health and Human Services.

24 B. The application shall be submitted no later than July 1,
2021.

1 C. The State Department of Health is authorized to establish a
2 nominal fee per unit of drug to cover only costs necessary to
3 efficiently administer the program and not jeopardize consumer
4 savings.

5 D. In conjunction with this section, pharmaceutical
6 manufacturers shall be prohibited from engaging in any of the
7 following activities:

8 1. Taking any action, by agreement, unilaterally, or otherwise,
9 that has the effect of fixing or otherwise controlling the price
10 that a pharmaceutical supplier, distributor or dispenser charges or
11 advertises for pharmaceuticals in the program; and

12 2. Discriminating against a pharmaceutical supplier,
13 distributor or dispenser based on whether the supplier, distributor
14 or dispenser participates in the program.

15 SECTION 2. This act shall become effective November 1, 2020.

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17 57-2-10443 SH 01/02/20

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