HOUSE OF REPRESENTATIVES - FLOOR VERSION

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

HOUSE BILL 2852 By: Pae of the House

and

Pugh of the Senate

AS INTRODUCED

An Act relating to public health; directing the State Department of Health to apply for approval of program in accordance with 21 U.S.C., Section 384 for importation of prescription drugs; providing deadline for application; authorizing establishment of fee; providing list of prohibited activities; 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 1-1432 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. The State Department of Health shall make application to the United States Secretary of Health and Human Services for approval of a program in full accordance with the provisions of 21 U.S.C., Section 384 and shall determine the appropriate rules and

regulations to apply for and administer the program upon approval from the United States Secretary of Health and Human Services.

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

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

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

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

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

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

COMMITTEE REPORT BY: COMMITTEE ON PUBLIC HEALTH, dated 02/19/2020 - DO PASS, As Coauthored.