

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1876

By: Scott

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5
6 AS INTRODUCED

7 An Act relating to health insurance; requiring
8 pharmacy benefit manager to publish certain
9 information annually or as required by the Insurance
10 Commissioner; specifying information to be included
11 in the report; providing certain exemption to
12 required publishing; making certain agreement void
13 and unenforceable; authorizing Commissioner to
14 promulgate rules; defining terms; providing for
15 codification; and providing an effective date.

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

17 SECTION 1. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 7440 of Title 36, unless there
19 is created a duplication in numbering, reads as follows:

20 A. Beginning July 1, 2021, and annually thereafter, or more
21 frequently than once a year as required by the Insurance
22 Commissioner, each pharmacy benefit manager in this state shall
23 publish, in a form and manner determined by the Commissioner, a
24 detailed report that shall include the following:

1 1. The total amount of all rebates that the pharmacy benefit
2 manager negotiated with manufacturers during the immediately
3 preceding calendar year for prescription drugs;

4 2. The total amount of all rebates described in paragraph 1 of
5 this subsection that were retained by the pharmacy benefit manager;
6 and

7 3. The total amount of all rebates described in paragraph 1 of
8 this section that the pharmacy benefit manager negotiated for
9 purchases of drugs for use by:

10 a. recipients of Medicare,

11 b. recipients of Medicaid,

12 c. persons covered by third parties that are governmental
13 entities not described in subparagraphs a and b of
14 this paragraph,

15 d. persons covered by third parties that are not
16 governmental entities, and

17 e. persons covered by a plan described in subparagraph d
18 of this paragraph to the extent required by a contract
19 entered into pursuant to paragraph 2 of subsection B
20 of this paragraph.

21 B. 1. Except as otherwise provided in subparagraph c of
22 paragraph 3 of subsection A of this section, the requirements of
23 this section do not apply to the coverage of prescription drugs
24

1 under a plan that is subject to the Employee Retirement Income
2 Security Act of 1974 or any information relating to that coverage.

3 2. A plan described in paragraph 1 of this subsection may, by
4 contract, require a pharmacy benefit manager that manages the
5 coverage of prescription drugs under the plan to comply with the
6 requirements of this section.

7 C. A contract issued, amended or renewed on or after July 1,
8 2021, by a health benefit plan shall not contain any provision
9 restricting the ability of a pharmacy benefit manager to furnish any
10 information required to be published under this section. Any
11 contractual provision inconsistent with this section shall be void
12 and unenforceable.

13 D. As used in this section, "health benefit plan" shall have
14 the same meaning as provided in Section 6060.4 of Title 36 of the
15 Oklahoma Statutes.

16 E. The Insurance Commissioner shall promulgate rules to
17 implement the provisions of this section by April 1, 2021.

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

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