

1 **SENATE FLOOR VERSION**

2 February 18, 2021

3 **AS AMENDED**

4 SENATE BILL NO. 538

5 By: Standridge

6 An Act relating to prescription drugs; creating the
7 Oklahoma Patient Right to Know Act; defining terms;
8 authorizing persons to request certain information on
9 certain prescribed form; providing timeline for
10 submitting certain information; establishing fine for
11 failure to provide certain information; requiring
12 Insurance Department to place fine in certain fund;
13 authorizing Insurance Department to promulgate rules;
14 providing for codification; and providing an
15 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 6970 of Title 36, unless there
19 is created a duplication in numbering, reads as follows:

20 This act shall be known and may be cited as the "Oklahoma
21 Patient Right to Know Act".

22 SECTION 2. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 6971 of Title 36, unless there
24 is created a duplication in numbering, reads as follows:

A. For the purpose of this section:

1. "Insurer" means any entity or insurer authorized to provide
health insurance or health benefits pursuant to the laws of this

1 state and any entity or person engaged in the business of making
2 contracts for accident or health insurance;

3 2. "Manufacturer" means any person, business or entity that
4 holds the national drug code for a prescription drug and is either
5 engaged in the production, preparation, propagation, compounding,
6 conversion or processing of drug products in this state. It shall
7 also include any person, business or entity that is engaged in the
8 packaging, repackaging, labeling, relabeling or distribution of drug
9 products in this state, or any person, business or entity that
10 causes the drug products to be compounded, packaged or transported
11 in this state, that is not a wholesale drug distributor, as defined
12 in this section, or a retail pharmacy licensed by the State Board of
13 Pharmacy;

14 3. "Pharmacist" means any person licensed by the State Board of
15 Pharmacy to practice pharmacy in this state;

16 4. "Pharmacy benefits manager" means a person, business or
17 entity, and any partially or wholly owned subsidiary of an entity,
18 doing business in this state which contracts to administer or manage
19 prescription drug benefits on behalf of a managed-care company,
20 nonprofit hospital, medical service organization, insurance company,
21 third-party payor or a health program administered by a department
22 of this state; and

23 5. "Wholesale drug distributor" means a person, business or
24 entity licensed by the State Board of Pharmacy and engaged in the

1 sale of prescription drugs to another person, business or entity
2 other than a consumer or patient. This includes but is not limited
3 to manufacturers, repackagers, own-label distributors, private label
4 distributors, jobbers, brokers, warehouses including manufacturers'
5 and distributors' warehouses, chain drug warehouses, wholesale drug
6 warehouses, independent wholesale drug traders and retail pharmacies
7 that conduct wholesale distributions.

8 B. 1. Beginning **January 1, 2022**, a pharmacist, on behalf of a
9 patient obtaining a prescription drug or drugs, as defined in
10 paragraph 2 of Section 5040.3 of Title 74 of the Oklahoma Statutes,
11 shall be authorized to submit a request in writing from the patient,
12 on a form prescribed by the State Board of Pharmacy, for information
13 on the specific allocation of the dollar amount of the retail price
14 provided to the insurer, manufacturer, wholesale drug distributor
15 and pharmacy benefit manager for the drug or drugs being dispensed
16 pursuant to the prescription.

17 2. The insurer, manufacturer, wholesale drug distributor and
18 pharmacy benefit manager shall have thirty (30) days from receipt of
19 the request from the pharmacist to provide the information
20 requested.

21 3. If the information is not provided to the pharmacist within
22 thirty (30) days, a fine of Fifty Dollars (\$50.00) per day, per
23 request shall be paid to the pharmacy by any entity failing to
24 provide the information required by this section. The pharmacy

1 shall remit any amount received to the Insurance Department;
2 provided, however, that the pharmacy is authorized to charge a
3 handling fee in an amount to be determined by the Insurance
4 Department. The Insurance Department shall deposit the remaining
5 amount of the fine to the credit of the State Insurance Commissioner
6 Revolving Fund for the operations of the Office of the Insurance
7 Commissioner, pursuant to Section 307.3 of Title 36 of the Oklahoma
8 Statutes.

9 C. The Insurance Department shall promulgate rules to implement
10 the provisions of this section.

11 SECTION 3. This act shall become effective November 1, 2021.

12 COMMITTEE REPORT BY: COMMITTEE ON RETIREMENT AND INSURANCE
13 February 18, 2021 - DO PASS AS AMENDED
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