

CS for EHB 1853

THE STATE SENATE
Wednesday, April 13, 2005

Committee Substitute for
ENGROSSED

House Bill No. 1853

6 COMMITTEE SUBSTITUTE FOR ENGROSSED HOUSE BILL NO. 1853 - By: STEELE,
7 BALKMAN, SHELTON, HICKMAN, JACKSON, COX, SHERRER, ADKINS, AUFFET,
8 BRANNON, COOKSEY, DePUE, DeWITT, DUNCAN, HILLIARD, KERN, KIESEL,
9 MARTIN, McMULLEN, MORRISSETTE, NANCE, NATIONS, PETERSON (Ron),
10 SMITHSON, TERRILL and THOMPSON of the House and PADDACK, ADELSON,
11 BASS, CORN and LEFTWICH of the Senate.

12 [public health and safety - Rx for Oklahoma Act - rules -
13 codification -
14 emergency]

15 SECTION 1. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 5040.2 of Title 74, unless there
17 is created a duplication in numbering, reads as follows:

18 This act shall be known and may be cited as the "Rx for Oklahoma
19 Act".

20 SECTION 2. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 5040.3 of Title 74, unless there
22 is created a duplication in numbering, reads as follows:

23 As used in the Rx for Oklahoma Act:

24 1. "Community action agencies" means agencies designated by the
25 Oklahoma Department of Commerce, pursuant to Section 5038 of Title
26 74 of the Oklahoma Statutes;

1 2. "Medically indigent" means a person eligible to receive
2 Medicaid or Medicare or a person who has no health insurance and who
3 otherwise meets the criteria established by the program for the
4 purchase of prescribed medications; and

5 3. "Prescription drug" means a drug which may be dispensed only
6 upon prescription by a health care professional authorized by the
7 appropriate licensing authority and which is approved for safety and
8 effectiveness as a prescription drug under Section 505 or 507 of the
9 Federal Food, Drug, and Cosmetic Act (52 Stat. 1040 (1938), 21
10 U.S.C.A., Section 301).

11 SECTION 3. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 5040.4 of Title 74, unless there
13 is created a duplication in numbering, reads as follows:

14 A. Subject to the availability of funds, beginning November 1,
15 2005, various entities and agencies including, but not limited to,
16 community action agencies, the Department of Human Services, and
17 county health departments are authorized to establish a statewide
18 program to assist medically indigent residents of Oklahoma with
19 receiving prescriptions from drug manufacturers through assistance
20 programs.

21 B. Eligibility for the Rx for Oklahoma Act shall be residents
22 of Oklahoma who:

23 1. Are medically indigent; or

1 2. Are not medically indigent but cannot reasonably afford to
2 pay for prescription medications.

3 C. The Oklahoma Department of Commerce, the Department of Human
4 Services, or the county health departments shall promulgate rules or
5 establish procedures necessary to implement the program established
6 by the Rx for Oklahoma Act.

7 D. The Oklahoma Department of Commerce shall provide technical
8 assistance to community action agencies who may wish to participate
9 in the program.

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

14 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 4-6-05 - DO
15 PASS, As Amended and Coauthored.