

1 ENGROSSED HOUSE  
2 BILL NO. 3447

By: McEntire of the House

3 and

4 McCortney and Scott of the  
5 Senate

6  
7 [ insurance - providing for calculation of an  
8 enrollee's defined cost sharing for prescription  
9 drugs - effective date ]  
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13 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

14 SECTION 1. NEW LAW A new section of law to be codified  
15 in the Oklahoma Statutes as Section 6970 of Title 36, unless there  
16 is created a duplication in numbering, reads as follows:

17 As used in this act:

18 1. "Defined cost sharing" means a deductible payment or  
19 coinsurance amount imposed on an enrollee for a covered prescription  
20 drug under the enrollee's health benefit plan;

21 2. "Insurer" means any entity that provides a health benefit  
22 plan in this state, including, but not limited to, a licensed  
23 insurance company, group hospital service corporation, a not-for-  
24 profit hospital service and medical indemnity corporation, a health

1 maintenance organization, a preferred provider organization, or any  
2 other entity subject to regulation by the Insurance Commissioner;

3 3. "Price protection rebate" means a negotiated price  
4 concession that accrues directly or indirectly to the insurer, or  
5 other party on behalf of the insurer, in the event of an increase in  
6 the wholesale acquisition cost of a drug above a specified  
7 threshold; and

8 4. "Rebate" means:

9 a. negotiated price concessions, including, but not  
10 limited to, base price concessions, whether described  
11 as a "rebate" or otherwise, and reasonable estimates  
12 of any price protection rebates and performance-based  
13 price concessions that may accrue directly or  
14 indirectly to the insurer during the coverage year  
15 from a manufacturer, dispensing pharmacy, or other  
16 party in connection with the dispensing or  
17 administration of a prescription drug, and

18 b. reasonable estimates of any negotiated price  
19 concessions, fees and other administrative costs that  
20 are passed through, or are reasonably anticipated to  
21 be passed through, to the insurer and serve to reduce  
22 the insurer's liabilities for a prescription drug.

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

4 An enrollee's defined cost sharing for each prescription drug  
5 shall be calculated at the point of sale based on a price that is  
6 reduced by an amount equal to at least eighty percent (80%) of all  
7 rebates received, or to be received, in connection with the  
8 dispensing or administration of the prescription drug.

9 SECTION 3. This act shall become effective November 1, 2020.  
10 Passed the House of Representatives the 10th day of March, 2020.

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13 Presiding Officer of the House  
14 of Representatives

15 Passed the Senate the \_\_\_ day of \_\_\_\_\_, 2020.

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18 Presiding Officer of the Senate  
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