SENATE FLOOR VERSION
February 24, 2020
AS AMENDED

SENATE BILL NO. 1620 By: Standridge

[prescription drugs - Oklahoma Patient Right to Know Act - codification - 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 6970 of Title 36, unless there is created a duplication in numbering, reads as follows:

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

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6971 of Title 36, unless there 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 state and any entity or person engaged in the business of making contracts for accident or health insurance;

2. "Manufacturer" means any person or entity that holds the national drug code for a prescription drug and is either engaged in

the production, preparation, propagation, compounding, conversion or processing of drug products in this state. It shall also include any person or entity that is engaged in the packaging, repackaging, labeling, relabeling or distribution of drug products in this state, or any person or entity that causes the drug products to be compounded, packaged or transported in this state, that is not a wholesale distributor of drugs or a retail pharmacy licensed by the State Board of Pharmacy;

3. "Pharmacist" means any person licensed by the State Board of Pharmacy to practice pharmacy;

4. "Pharmacy benefits manager" means a person or entity that performs pharmacy benefits management and any other person or entity acting under a contractual or employment relationship in the performance of pharmacy benefits management for a managed-care company, nonprofit hospital, medical service organization, insurance company, third-party payor or a health program administered by a department of this state; and

5. "Wholesale drug distributor" means a person or entity engaged in the sale of prescription drugs to persons other than a consumer or patient and licensed by the State Board of Pharmacy.

B. 1. Beginning January 1, 2021, a pharmacist, on behalf of a patient obtaining a prescription drug or drugs, as defined in paragraph 2 of Section 5040.3 of Title 74 of the Oklahoma Statutes, is authorized to submit a request in writing from the patient, on a

form prescribed by the State Board of Pharmacy, for information on the specific allocation of the dollar amount of the retail price provided to the insurer, manufacturer, wholesale drug distributor and pharmacy benefit manager for the drug or drugs being dispensed.

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

3. If the information is not provided to the pharmacist within thirty (30) days, a fine of Fifty Dollars ($50.00) per day, per request shall be paid to the pharmacy by any entity failing to provide the information required by this section. The pharmacy shall remit any amount received to the Insurance Department, provided, however, that the pharmacy is authorized to charge a handling fee in an amount to be determined by the Insurance Department. The Insurance Department shall deposit the remaining amount of the fine in the State Insurance Commissioner Revolving Fund, pursuant to Section 307.3 of Title 36 of the Oklahoma Statutes.

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

SECTION 3. This act shall become effective November 1, 2020.

COMMITTEE REPORT BY: COMMITTEE ON RETIREMENT AND INSURANCE
February 24, 2020 - DO PASS AS AMENDED