

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1620

By: Standridge

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6 AS INTRODUCED

7 An Act relating to prescription drugs; creating the
8 Oklahoma Patient Right to Know Act; defining terms;
9 authorizing persons to request certain information on
10 certain prescribed form; providing timeline for
11 providing certain information; establishing fine for
12 failure to provide certain information; instructing
Insurance Department to place fine in certain fund;
authorizing Insurance Department to promulgate rules;
providing for codification; and providing an
effective date.

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

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

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

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

23 A. For the purpose of this section:
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1 1. "Insurer" means any entity or insurer authorized to provide
2 health insurance or health benefits pursuant to the laws of this
3 state and any entity or person engaged in the business of making
4 contracts for accident or health insurance;

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

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

17 4. "Pharmacy benefits manager" means a person or entity that
18 performs pharmacy benefits management and any other person or entity
19 acting under a contractual or employment relationship in the
20 performance of pharmacy benefits management for a managed-care
21 company, nonprofit hospital, medical service organization, insurance
22 company, third-party payor or a health program administered by a
23 department of this state; and
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1 5. "Wholesale drug distributor" means a person or entity
2 engaged in the sale of prescription drugs to persons other than a
3 consumer or patient and licensed by the State Board of Pharmacy.

4 B. 1. Beginning January 1, 2021, a pharmacist, on behalf of a
5 patient obtaining a prescription drug or drugs, as defined in
6 paragraph 2 of Section 5040.3 of Title 74 of the Oklahoma Statutes,
7 is authorized to submit a request in writing from the patient, on a
8 form prescribed by the State Board of Pharmacy, for information on
9 the specific allocation of the dollar amount of the retail price
10 provided to the insurer, manufacturer, wholesale drug distributor
11 and pharmacy benefit manager for the drug or drugs being dispensed.

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

16 3. If the information is not provided to the pharmacist within
17 thirty (30) days, a fine of Fifty Dollars (\$50.00) per day, per
18 request shall be paid to the pharmacy by any entity failing to
19 provide the information required by this section. The pharmacy
20 shall remit any amount received to the Insurance Department,
21 provided, however, that the pharmacy is authorized to charge a
22 handling fee in an amount to be determined by the Insurance
23 Department. The Insurance Department shall deposit the remaining
24 amount of the fine in the State Insurance Commissioner Revolving

1 Fund, pursuant to Section 307.3 of Title 36 of the Oklahoma
2 Statutes.

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

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

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