

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

SENATE BILL 1620

By: Standridge

AS INTRODUCED

An Act relating to prescription drugs; creating the Oklahoma Patient Right to Know Act; defining terms; authorizing persons to request certain information on certain prescribed form; providing timeline for providing certain information; establishing fine for 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.

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        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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