

**COMMITTEE AMENDMENT**  
HOUSE OF REPRESENTATIVES  
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB4052 \_\_\_\_\_  
Of the printed Bill  
Page \_\_\_\_\_ Section \_\_\_\_\_ Lines \_\_\_\_\_  
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by  
inserting in lieu thereof the following language:

**AMEND TITLE TO CONFORM TO AMENDMENTS**

Amendment submitted by: TJ Marti

Adopted: \_\_\_\_\_

\_\_\_\_\_  
Reading Clerk

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

PROPOSED COMMITTEE  
SUBSTITUTE  
FOR  
HOUSE BILL NO. 4052

By: Marti

PROPOSED COMMITTEE SUBSTITUTE

An Act relating to pharmacies; defining terms;  
creating certain requirements; creating a penalty;  
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 6969 of Title 36, unless there  
is created a duplication in numbering, reads as follows:

A. As used in this section:

1. "Pharmacy benefit managers" means individuals or companies  
that manage prescription drug benefits on behalf of health insurers,  
Medicare Part D drug plans, large employer plans, and other payers;  
and

2. "White bagged drugs" means the distribution of  
patient-specific medication from a pharmacy, typically a specialty

1 pharmacy, to the physician's office, hospital, or clinic for  
2 administration.

3 B. All pharmaceutical drug plans and pharmacy benefit managers  
4 in this state shall not refuse to authorize, approve, or pay a  
5 participating provider for providing covered physician-administered  
6 drugs to covered persons.

7 C. All white bagged drugs shall meet supply chain security  
8 controls set forth by the federal Drug Supply Chain and Security  
9 Act.

10 D. Plan providers shall not require a patient to self-  
11 administer an injectable drug against a provider's recommendation.

12 E. Plans shall not require patients to pay additional fees  
13 beyond cost-sharing obligations as outlined in the individual's  
14 plan.

15 F. Patients and providers shall determine a billing pathway  
16 based on patient's best interest.

17 G. Any payer in violation of this section shall be fined a  
18 minimum of Five Thousand Dollars (\$5,000.00) per violation, but not  
19 more than Ten Thousand Dollars (\$10,000.00) per violation. Fines  
20 related to this section shall not be used when calculating payers,  
21 plans, or members lose ratios and losses shall not be passed on to  
22 the consumer in future rate increases.

23 H. A health care facility or health care provider shall be  
24 immune from civil liability for any loss or harm to a person due to

1 their health insurance plan utilizing white bagged drugs caused by  
2 an act or omission by the facility or provider that occurs during  
3 the process outlined in this act if the act or omission was not the  
4 result of gross negligence or willful or wanton misconduct of the  
5 health care facility of health care provider rendering the health  
6 care services.

7 SECTION 2. This act shall become effective November 1, 2022.

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9 58-2-10608 KN 02/17/22

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