

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 58th Legislature (2022)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 4052

By: Marti

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8 COMMITTEE SUBSTITUTE

9 An Act relating to pharmacies; defining terms;
10 creating certain requirements; creating a penalty;
11 providing for codification; and declaring an
12 emergency.

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 6969 of Title 36, unless there
16 is created a duplication in numbering, reads as follows:

17 A. As used in this section:

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

22 2. "White bagged drugs" means the distribution of
23 patient-specific medication from a pharmacy, typically a specialty
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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. It being immediately necessary for the preservation
8 of the public peace, health or safety, an emergency is hereby
9 declared to exist, by reason whereof this act shall take effect and
10 be in full force from and after its passage and approval.

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12 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC HEALTH, dated 03/02/2022 -
13 DO PASS, As Amended.

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