

SENATE FLOOR VERSION

February 29, 2024

COMMITTEE SUBSTITUTE
FOR

SENATE BILL NO. 1344

By: Rosino of the Senate

and

West (Josh) of the House

An Act relating to nonopioid alternatives; directing specified agencies to seek certain funding opportunities and provide certain assistance with opioid grant awards; defining term; granting certain protection to nonopioid drugs relating to Medicaid drug formulary; prohibiting certain denial of coverage; providing certain construction; amending 74 O.S. 2021, Section 30.5, as amended by Section 1, Chapter 75, O.S.L. 2022 (74 O.S. Supp. 2023, Section 30.5), which relates to definitions used in the Political Subdivisions Opioid Abatement Grants Act; broadening approved purposes; 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 2-402 of Title 43A, unless there is created a duplication in numbering, reads as follows:

The Department of Mental Health and Substance Abuse Services, the State Department of Health, and the Oklahoma Health Care Authority shall:

1 1. Collaborate to seek funding opportunities for educational
2 and health care services related to nonopioid alternatives; and

3 2. Assist, upon request, political subdivisions that receive
4 opioid grant awards under the Political Subdivisions Opioid
5 Abatement Grants Act with the development and implementation of
6 educational and health care services related to nonopioid
7 alternatives.

8 SECTION 2. NEW LAW A new section of law to be codified
9 in the Oklahoma Statutes as Section 5031 of Title 63, unless there
10 is created a duplication in numbering, reads as follows:

11 A. As used in this section, "contracted entity" has the same
12 meaning as provided by Section 4002.2 of Title 56 of the Oklahoma
13 Statutes.

14 B. In establishing and maintaining the formulary for the state
15 Medicaid program, the Oklahoma Health Care Authority shall ensure
16 that no nonopioid drug approved by the United States Food and Drug
17 Administration (FDA) for the treatment or management of pain shall
18 be disadvantaged or discouraged by either the Authority or a
19 contracted entity with respect to coverage on the formulary relative
20 to any opioid or narcotic drug for the treatment or management of
21 pain.

22 C. When a contracted provider prescribes an FDA-approved
23 nonopioid drug for the treatment or management of pain, the
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1 Authority or a contracted entity shall not deny coverage of the
2 nonopioid drug in favor of an opioid drug.

3 D. This section does not preclude opioid drugs from being
4 preferred over other opioid drugs or nonopioid drugs from being
5 preferred over other nonopioid drugs.

6 SECTION 3. AMENDATORY 74 O.S. 2021, Section 30.5, as
7 amended by Section 1, Chapter 75, O.S.L. 2022 (74 O.S. Supp. 2023,
8 Section 30.5), is amended to read as follows:

9 Section 30.5. As used in the Political Subdivisions Opioid
10 Abatement Grants Act:

- 11 1. "Approved purpose" and "approved purposes" mean evidence-
12 based, forward-looking strategies, programming and services used to:
- 13 a. expand the availability of treatment for individuals
14 affected by opioid use disorders, co-occurring
15 substance use disorders and mental health issues,
 - 16 b. develop, promote and provide evidence-based opioid use
17 prevention strategies,
 - 18 c. provide opioid use disorder and co-occurring substance
19 use disorder avoidance and awareness education,
 - 20 d. decrease the oversupply of licit and illicit opioids,
 - 21 e. support recovery from addiction services performed by
22 qualified and appropriately licensed providers,
 - 23 f. treat opioid use, abuse and disorders including early
24 intervention screening, counseling and support,

- 1 g. support individuals in treatment and recovery from
2 opioid use, abuse and disorder,
- 3 h. provide programs or services to connect individuals
4 with opioid use, abuse or disorder, or who are at risk
5 of developing opioid use disorder, co-occurring
6 substance use disorder and mental health issues, with
7 treatment and counseling programs and services,
- 8 i. address the needs of individuals who are involved, or
9 who are at risk of becoming involved, in the criminal
10 justice system due to opioid use, abuse or disorder
11 through programs or services in municipal and county
12 criminal judicial systems including prearrest and
13 postarrest diversion programs, pretrial services and
14 drug or recovery courts,
- 15 j. address the needs of pregnant or parenting women with
16 opioid use, abuse or disorder and their families,
- 17 k. address the needs of parents and caregivers caring for
18 babies with neonatal abstinence syndrome,
- 19 l. support efforts to prevent overprescribing and ensure
20 appropriate prescribing and dispensing of opioids,
- 21 m. support efforts to discourage or prevent misuse of
22 opioids including the oversupply of licit and illicit
23 opioids,
- 24

1 n. support efforts to prevent or reduce overdose deaths
2 or other opioid-related harms including through
3 increased availability and distribution of naloxone
4 and other drugs that treat overdoses for use by first
5 responders, persons who have experienced an overdose
6 event, families, schools, community-based service
7 providers, social workers and other members of the
8 public,

9 o. reimburse or fund law enforcement and emergency
10 responder expenditures relating to the opioid epidemic
11 including costs of responding to emergency medical or
12 police calls for service, equipment, treatment or
13 response alternatives, mental health response training
14 and training for law enforcement and emergency
15 responders as to appropriate practices and precautions
16 when dealing with opioids or individuals who are at
17 risk of opioid overdose or death,

18 p. reimburse attorney fees and allowable expenses
19 directly related to opioid litigation incurred as part
20 of legal services agreements entered into before May
21 21, 2020,

22 q. support efforts to provide leadership, planning and
23 coordination to abate the opioid epidemic through
24 activities, programs or strategies for prevention and

recovery models including regional intergovernmental efforts and not-for-profit agency support,

r. support education of youths regarding the dangers of opioid use, abuse and addiction,

s. fund training relative to any approved purpose,

t. monitor, surveil and evaluate opioid use, abuse or disorder, ~~or~~

u. provide educational and health care services related to nonopioid treatment alternatives, or

v. provide opioid abatement as identified by the Oklahoma Opioid Abatement Board as consistent with the purpose of the Political Subdivisions Opioid Abatement Grants Act.

Provided that, such strategies, programming and services occurred on or after January 1, 2015;

2. "Board" means the Oklahoma Opioid Abatement Board;

3. "Eligible participant" means any political subdivision impacted by the opioid crisis;

4. "Nonapproved purpose" and "nonapproved purposes" mean strategies, programming and services not falling within the definition of approved purpose or approved purposes as defined in this section;

5. "Opioid funds" means all monetary amounts obtained through a settlement or judgment by the Attorney General on behalf of this

1 state related to opioid litigation involving pharmaceutical supply
2 chain participants including the Purdue Political Subdivisions Fund
3 but excluding all other funds received pursuant to the Purdue
4 Settlement Agreement;

5 6. "Opioid grant awards" means grants funded from the Oklahoma
6 Opioid Abatement Revolving Fund, awarded pursuant to the provisions
7 of the Political Subdivisions Opioid Abatement Grants Act;

8 7. "Pharmaceutical supply chain" means the process and channels
9 through which controlled substances are manufactured, marketed,
10 promoted, distributed or dispensed;

11 8. "Pharmaceutical supply chain participant" means any entity
12 that engages in or has engaged in the manufacture, marketing,
13 promotion, distribution or dispensing of an opioid analgesic;

14 9. "Political subdivision" and "political subdivisions" have
15 the same meaning as provided in subparagraphs a, b, c and d of
16 paragraph 11 of Section 152 of Title 51 of the Oklahoma Statutes;

17 10. "Purdue Political Subdivision Fund" means the Twelve
18 Million Five Hundred Thousand Dollars (\$12,500,000.00) plus any
19 interest accrued thereon received from the Revive Oklahoma Health
20 Foundation consisting of funds from the Purdue Settlement Agreement
21 designed for distribution to political subdivisions which have
22 executed a release of legal claims as required by the Purdue
23 Settlement Agreement; and
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1 11. "Purdue Settlement Agreement" means the settlement
2 agreement entered into by this state and Purdue Pharma L.P., Purdue
3 Pharma, Inc. and the Purdue Frederick Company on March 26, 2019, and
4 approved by the Court on April 2, 2019.

5 SECTION 4. This act shall become effective November 1, 2024.

6 COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES
7 February 29, 2024 - DO PASS AS AMENDED BY CS
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