

**SENATE FLOOR VERSION**

February 20, 2024

COMMITTEE SUBSTITUTE  
FOR

SENATE BILL NO. 1390

By: McCortney, Prieto, and Jett  
of the Senate

and

McEntire of the House

An Act relating to pharmacy benefits managers; amending 36 O.S. 2021, Sections 6960, as amended by Section 1, Chapter 38, O.S.L. 2022, 6962, as last amended by Section 1, Chapter 293, O.S.L. 2023, 6965, as amended by Section 2, Chapter 293, O.S.L. 2023, Section 3, Chapter 38, O.S.L. 2022, as amended by Section 3, Chapter 293, O.S.L. 2023, and 6967 (36 O.S. Supp. 2023, Sections 6960, 6962, 6965, and 6966.1), which relate to the Patient's Right to Pharmacy Choice Act; defining terms; modifying definitions; prohibiting certain contract terms from restricting document disclosure to certain entities; modifying certain compliance provisions; conforming language; construing provisions; providing for rule promulgation; providing for subpoena of certain witnesses and records; establishing requirements for disclosure of protected health information; providing for censure or license revocation for certain noncompliance by a pharmacy benefits manager; providing for certain fines and fees; providing for restitution; directing deposit of certain fines, fees, and penalties; creating the Attorney General's Pharmacy Benefits Manager Enforcement Revolving Fund; establishing fund source; stating purpose; establishing provisions relating to public disclosure of certain report and certain information obtained by the Attorney General; updating statutory reference; updating statutory language; repealing 36 O.S. 2021, Section 6966, which relates to the Patient's Right to Pharmacy Choice Commission; providing for codification; and declaring an emergency.

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

SECTION 1. AMENDATORY 36 O.S. 2021, Section 6960, as amended by Section 1, Chapter 38, O.S.L. 2022 (36 O.S. Supp. 2023, Section 6960), is amended to read as follows:

Section 6960. For purposes of the Patient's Right to Pharmacy Choice Act:

1. "Covered entity" means a nonprofit hospital or medical service organization, insurer, health benefit plan, health maintenance organization, health program administered by the state in the capacity of providing health coverage, or an employer, labor union, or other group of persons that provides health coverage to persons in this state. This term does not include a health plan that provides coverage only for accidental injury, specified disease, hospital indemnity, disability income, or other limited benefit health insurance policies and contracts that do not include prescription drug coverage;

2. "Health insurer" means any corporation, association, benefit society, exchange, partnership or individual licensed by the Oklahoma Insurance Code;

~~2.~~ 3. "Health insurer payor" means a health insurance company, health maintenance organization, union, hospital and medical

1 services organization or any entity providing or administering a  
2 self-funded health benefit plan;

3 ~~3.~~ 4. "Mail-order pharmacy" means a pharmacy licensed by this  
4 state that primarily dispenses and delivers covered drugs via common  
5 carrier;

6 ~~4.~~ 5. "Pharmacy benefits manager" or "PBM" means a person,  
7 business, or other entity that performs pharmacy benefits management  
8 and any other person acting for such person under. The term shall  
9 include a person or entity acting on behalf of a PBM in a  
10 contractual or employment relationship in the performance of  
11 pharmacy benefits management for a ~~managed-care~~ managed care  
12 company, nonprofit hospital, medical service organization, insurance  
13 company, third-party payor or a health program administered by a  
14 department of this state;

15 6. "Pharmacy benefits management" means a service provided to  
16 covered entities to facilitate the provisions of prescription drug  
17 benefits to covered individuals within this state including, but not  
18 limited to, negotiating pricing and other terms with drug  
19 manufacturers and providers. Pharmacy benefits management may  
20 include any or all of the following services:

21 a. claims processing, retail network management, and  
22 payment of claims to pharmacies for prescription drugs  
23 dispensed to covered individuals,  
24

- b. administration or management of pharmacy discount cards or programs,
- c. clinical formulary development and management services,
- d. rebate contracting and administration,
- e. patient compliance, therapeutic intervention, and generic substitution programs,
- f. administration or management of mail-order pharmacy programs, or
- g. disease management programs;

~~5.~~ 7. "Provider" means a pharmacy, as defined in Section 353.1 of Title 59 of the Oklahoma Statutes or an agent or representative of a pharmacy;

~~6.~~ 8. "Retail pharmacy network" means retail pharmacy providers contracted with a PBM in which the pharmacy primarily fills and sells prescriptions via a retail, storefront location;

~~7.~~ 9. "Rural service area" means a five-digit ZIP code in which the population density is less than one thousand (1,000) individuals per square mile;

~~8.~~ 10. "Spread pricing" means a prescription drug pricing model utilized by a pharmacy benefits manager in which the PBM charges a health benefit plan a contracted price for prescription drugs that differs from the amount the PBM directly or indirectly pays the pharmacy or pharmacist for providing pharmacy services;

1        ~~9.~~ 11. "Suburban service area" means a five-digit ZIP code in  
2 which the population density is between one thousand (1,000) and  
3 three thousand (3,000) individuals per square mile; and

4        ~~10.~~ 12. "Urban service area" means a five-digit ZIP code in  
5 which the population density is greater than three thousand (3,000)  
6 individuals per square mile.

7        SECTION 2.        AMENDATORY        36 O.S. 2021, Section 6962, as  
8 last amended by Section 1, Chapter 293, O.S.L. 2023 (36 O.S. Supp.  
9 2023, Section 6962), is amended to read as follows:

10        Section 6962. A. The Attorney General shall review and approve  
11 retail pharmacy network access for all pharmacy benefits managers  
12 (PBMs) to ensure compliance with Section 6961 of this title.

13        B. A PBM, or an agent of a PBM, shall not:

14        1. Cause or knowingly permit the use of advertisement,  
15 promotion, solicitation, representation, proposal or offer that is  
16 untrue, deceptive or misleading;

17        2. Charge a pharmacist or pharmacy a fee related to the  
18 adjudication of a claim including without limitation a fee for:

- 19            a. the submission of a claim,
- 20            b. enrollment or participation in a retail pharmacy  
21                network, or
- 22            c. the development or management of claims processing  
23                services or claims payment services related to  
24                participation in a retail pharmacy network;

1        3. Reimburse a pharmacy or pharmacist in the state an amount  
2 less than the amount that the PBM reimburses a pharmacy owned by or  
3 under common ownership with a PBM for providing the same covered  
4 services. The reimbursement amount paid to the pharmacy shall be  
5 equal to the reimbursement amount calculated on a per-unit basis  
6 using the same generic product identifier or generic code number  
7 paid to the PBM-owned or PBM-affiliated pharmacy;

8        4. Deny a provider the opportunity to participate in any  
9 pharmacy network at preferred participation status if the provider  
10 is willing to accept the terms and conditions that the PBM has  
11 established for other providers as a condition of preferred network  
12 participation status;

13        5. Deny, limit or terminate a provider's contract based on  
14 employment status of any employee who has an active license to  
15 dispense, despite probation status, with the State Board of  
16 Pharmacy;

17        6. Retroactively deny or reduce reimbursement for a covered  
18 service claim after returning a paid claim response as part of the  
19 adjudication of the claim, unless:

- 20            a. the original claim was submitted fraudulently, or  
21            b. to correct errors identified in an audit, so long as  
22                the audit was conducted in compliance with Sections  
23                356.2 and 356.3 of Title 59 of the Oklahoma Statutes;

1        7. Fail to make any payment due to a pharmacy or pharmacist for  
2 covered services properly rendered in the event a PBM terminates a  
3 provider from a pharmacy benefits manager network;

4        8. Conduct or practice spread pricing, as defined in ~~Section 1~~  
5 ~~of this act~~ Section 6960 of this title, in this state; or

6        9. Charge a pharmacist or pharmacy a fee related to  
7 participation in a retail pharmacy network including but not limited  
8 to the following:

- 9            a. an application fee,
- 10           b. an enrollment or participation fee,
- 11           c. a credentialing or re-credentialing fee,
- 12           d. a change of ownership fee, or
- 13           e. a fee for the development or management of claims  
14               processing services or claims payment services.

15        C. The prohibitions under this section shall apply to contracts  
16 between pharmacy benefits managers and providers for participation  
17 in retail pharmacy networks.

18        1. A PBM contract shall:

- 19           a. not restrict, directly or indirectly, any pharmacy  
20               that dispenses a prescription drug from informing, or  
21               penalize such pharmacy for informing, an individual of  
22               any differential between the individual's out-of-  
23               pocket cost or coverage with respect to acquisition of  
24

1 the drug and the amount an individual would pay to  
2 purchase the drug directly, and

3 b. ensure that any entity that provides pharmacy benefits  
4 management services under a contract with any such  
5 health plan or health insurance coverage does not,  
6 with respect to such plan or coverage, restrict,  
7 directly or indirectly, a pharmacy that dispenses a  
8 prescription drug from informing, or penalize such  
9 pharmacy for informing, a covered individual of any  
10 differential between the individual's out-of-pocket  
11 cost under the plan or coverage with respect to  
12 acquisition of the drug and the amount an individual  
13 would pay for acquisition of the drug without using  
14 any health plan or health insurance coverage.

15 2. A pharmacy benefits manager's contract with a provider shall  
16 not prohibit, restrict or limit disclosure of information and  
17 documents to the Attorney General, law enforcement or state and  
18 federal governmental officials investigating or examining a  
19 complaint or conducting a review of a pharmacy benefits manager's  
20 compliance with the requirements under the Patient's Right to  
21 Pharmacy Choice Act, Pharmacy Audit Integrity Act, and Sections 357  
22 through 360 of Title 59 of the Oklahoma Statutes.

23 D. A pharmacy benefits manager shall:  
24



1        1. Establish and maintain an electronic claim inquiry  
2 processing system using the National Council for Prescription Drug  
3 ~~Programs~~ Programs current standards to communicate information to  
4 pharmacies submitting claim inquiries;

5        2. Fully disclose to insurers, self-funded employers, unions or  
6 other PBM clients the existence of the respective aggregate  
7 prescription drug discounts, rebates received from drug  
8 manufacturers and pharmacy audit recoupments;

9        3. Provide the Attorney General, insurers, self-funded employer  
10 plans and unions unrestricted audit rights of and access to the  
11 respective PBM pharmaceutical manufacturer and provider contracts,  
12 plan utilization data, plan pricing data, pharmacy utilization data  
13 and pharmacy pricing data;

14       4. Maintain, for no less than three (3) years, documentation of  
15 all network development activities including but not limited to  
16 contract negotiations and any denials to providers to join networks.  
17 This documentation shall be made available to the Attorney General  
18 upon request; and

19       5. Report to the Attorney General, on a quarterly basis for  
20 each health insurer payor, on the following information:

- 21           a. the aggregate amount of rebates received by the PBM,  
22           b. the aggregate amount of rebates distributed to the  
23           appropriate health insurer payor,

- 1           c.    the aggregate amount of rebates passed on to the  
2                enrollees of each health insurer payor at the point of  
3                sale that reduced the applicable deductible,  
4                copayment, coinsure or other cost sharing amount of  
5                the enrollee,  
6           d.    the individual and aggregate amount paid by the health  
7                insurer payor to the PBM for pharmacy services  
8                itemized by pharmacy, drug product and service  
9                provided, and  
10          e.    the individual and aggregate amount a PBM paid a  
11                provider for pharmacy services itemized by pharmacy,  
12                drug product and service provided.

13       E. Nothing in the Patient's Right to Pharmacy Choice Act shall  
14 prohibit the Attorney General from requesting and obtaining detailed  
15 data, including raw data, in response to the information provided by  
16 a PBM in the quarterly reports required by this section. The  
17 Attorney General may alter the frequency of the reports required by  
18 this section at his or her discretion.

19       F. The Attorney General may promulgate rules to implement the  
20 provisions of the Patient's Right to Pharmacy Choice Act, Pharmacy  
21 Audit Integrity Act, and Sections 357 through 360 of Title 59 of the  
22 Oklahoma Statutes.

1       SECTION 3.       AMENDATORY       36 O.S. 2021, Section 6965, as  
2 amended by Section 2, Chapter 293, O.S.L. 2023 (36 O.S. Supp. 2023,  
3 Section 6965), is amended to read as follows:

4       Section 6965. A. The Attorney General shall have power and  
5 authority to examine and investigate the affairs of every pharmacy  
6 benefits manager (PBM) engaged in pharmacy benefits management in  
7 this state in order to determine whether such entity is in  
8 compliance with the Patient's Right to Pharmacy Choice Act, Pharmacy  
9 Audit Integrity Act, and Sections 357 through 360 of Title 59 of the  
10 Oklahoma Statutes.

11       B. The Attorney General shall have the power and authority to  
12 subpoena witnesses and records, whether prior to or during an  
13 investigation or prosecution of a complaint, from any relevant  
14 entity or persons to ensure compliance with the Patient's Right to  
15 Pharmacy Choice Act, Pharmacy Audit Integrity Act, and Sections 357  
16 through 360 of Title 59 of the Oklahoma Statutes.

17       C. All PBM files and records shall be subject to examination by  
18 the Attorney General or by duly appointed designees. The Attorney  
19 General, authorized employees and examiners shall have access to any  
20 of a PBM's files and records that may relate to a particular  
21 complaint under investigation or to an inquiry or examination by the  
22 Attorney General.

23       ~~C.~~ D. Every officer, director, employee or agent of the PBM,  
24 upon receipt of any inquiry from the Attorney General, shall, within

1 twenty (20) days from the date the inquiry is sent, furnish the  
2 Attorney General with an adequate response to the inquiry.

3 ~~D.~~ E. When making an examination under this section, the  
4 Attorney General may retain subject matter experts, attorneys,  
5 appraisers, independent actuaries, independent certified public  
6 accountants or an accounting firm or individual holding a permit to  
7 practice public accounting, certified financial examiners or other  
8 professionals and specialists as examiners, the cost of which shall  
9 be borne by the PBM that is the subject of the examination.

10 F. 1. Protected health information held by a PBM shall be  
11 provided at the request of the Attorney General for the purpose of  
12 conducting investigations into potential violations of state laws  
13 and regulations related to the PBM. Disclosure of protected health  
14 information shall be limited to the extent necessary for the  
15 investigation and enforcement of state law.

16 2. All disclosures of protected health information shall be  
17 made in compliance with all applicable federal and state privacy  
18 laws, including the Health Insurance Portability and Accountability  
19 Act of 1996 (HIPAA), and other relevant laws protecting the privacy  
20 and confidentiality of health information.

21 3. Any protected health information obtained for an  
22 investigation shall be handled and maintained per applicable federal  
23 and state privacy laws and regulations, including HIPAA.  
24

1        4. Unauthorized disclosure of protected health information  
2 obtained during an investigation is strictly prohibited and subject  
3 to legal penalties.

4        G. 1. If the Attorney General, after notice and opportunity  
5 for hearing, finds that any PBM operating within this state has not  
6 fully cooperated with an investigation or inquiry conducted by the  
7 Attorney General related to compliance with the Patient's Right to  
8 Pharmacy Choice Act, Pharmacy Audit Integrity Act, and Sections 357  
9 through 360 of Title 59 of the Oklahoma Statutes, the Attorney  
10 General may instruct the Insurance Commissioner that the PBM be  
11 censured or his or her license be revoked. If the Attorney General  
12 makes such instruction, the Insurance Commissioner shall enforce the  
13 instructed action within thirty (30) days.

14        2. In addition to or in lieu of any censure, suspension, or  
15 revocation by the Insurance Commissioner, the Attorney General may  
16 levy a civil fine not less than One Thousand Dollars (\$1,000.00) and  
17 not greater than Ten Thousand Dollars (\$10,000.00) for each  
18 violation of this subsection and assess any other penalty or remedy  
19 authorized by this act. For purposes of this section, each day a  
20 PBM fails to comply with an investigation or inquiry may be  
21 considered a separate violation.

22        SECTION 4.        AMENDATORY        Section 3, Chapter 38, O.S.L.  
23 2022, as amended by Section 3, Chapter 293, O.S.L. 2023 (36 O.S.  
24 Supp. 2023, Section 6966.1), is amended to read as follows:

1 Section 6966.1. A. The Insurance Commissioner may censure,  
2 suspend, revoke, or refuse to issue or renew a license of or levy a  
3 civil penalty against any person licensed under the insurance laws  
4 of this state for any violation of the Patient's Right to Pharmacy  
5 Choice Act, Section 6958 et seq. of this title.

6 B. 1. If the Attorney General finds, after notice and  
7 opportunity for hearing, that a pharmacy benefits manager (PBM)  
8 violated one or more provisions of the Patient's Right to Pharmacy  
9 Choice Act, the Pharmacy Audit Integrity Act or the provisions of  
10 Sections 357 through 360 of Title 59 of the Oklahoma ~~Statutes~~  
11 Statutes, the Attorney General may ~~recommend~~ instruct the Insurance  
12 Commissioner that the PBM be censured, or his or her license ~~may~~ be  
13 suspended or revoked ~~and a penalty or remedy authorized by this act~~  
14 ~~may be imposed~~. If the Attorney General makes such ~~recommendation~~  
15 instruction, the Insurance Commissioner shall ~~take the recommended~~  
16 ~~action~~ enforce such action within thirty (30) days.

17 2. In addition to or in lieu of any censure, suspension or  
18 revocation of a license by the Insurance Commissioner, ~~a PBM the~~  
19 Attorney General may ~~be subject to~~ levy a civil or administrative  
20 fine ~~of not less than One Hundred Dollars (\$100.00)~~ One Thousand  
21 Dollars (\$1,000.00) and not greater than Ten Thousand Dollars  
22 (\$10,000.00) for each violation of the provisions of the Patient's  
23 Right to Pharmacy Choice Act, the Pharmacy Audit Integrity Act or  
24 the provisions of Sections 357 through 360 of Title 59 of the

1 Oklahoma Statutes, following notice and an opportunity for a hearing  
2 Statutes.

3 3. The Attorney General may order restitution for economic loss  
4 suffered by pharmacies or patients for violations of the Patient's  
5 Right to Pharmacy Choice Act, Pharmacy Audit Integrity Act, or the  
6 provisions of Sections 357 through 360 of Title 59 of the Oklahoma  
7 Statutes.

8 C. Notwithstanding whether the license of a PBM has been  
9 issued, suspended, revoked, surrendered or lapsed by operation of  
10 law, the Attorney General is hereby authorized to enforce the  
11 provisions of the Patient's Right to Pharmacy Choice Act and impose  
12 any penalty or remedy authorized under the act against a PBM under  
13 investigation for or charged with a violation of the Patient's Right  
14 to Pharmacy Choice Act, the Pharmacy Audit Integrity Act, the  
15 provisions of Sections 357 through 360 of Title 59 of the Oklahoma  
16 ~~Statutes~~ Statutes or any provision of the insurance laws of this  
17 state.

18 D. Each day that a PBM conducts business in this state without  
19 a license from the Insurance Department shall be deemed a violation  
20 of the Patient's Right to Pharmacy Choice Act.

21 E. 1. All hearings conducted by the Office of the Attorney  
22 General pursuant to this section shall be public and held in  
23 accordance with the Administrative Procedures Act.  
24

1        2. Hearings shall be held at the ~~office~~ Office of the Attorney  
2 General or any other place the Attorney General may deem convenient.

3        3. The Attorney General, upon written request from a PBM  
4 affected by the hearing, shall cause a full stenographic record of  
5 the proceedings to be made by a competent court reporter. This  
6 record shall be at the expense of the PBM.

7        4. The ordinary fees and costs of the hearing examiner  
8 appointed pursuant to Section 319 of this title may be assessed by  
9 the hearing examiner against the respondent unless the respondent is  
10 the prevailing party.

11       F. Any PBM whose license has been censured, suspended, revoked  
12 or denied renewal or who has had a fine levied against him or her  
13 shall have the right of appeal from the final order of the Attorney  
14 General, pursuant to Section 318 et seq. of Title 75 of the Oklahoma  
15 Statutes.

16       G. If the Attorney General determines, based upon an  
17 investigation of complaints, that a PBM has engaged in violations of  
18 the provisions of the Patient's Right to Pharmacy Choice Act,  
19 Pharmacy Audit Integrity Act, and Section 357 through 360 of Title  
20 59 of the Oklahoma Statutes with such frequency as to indicate a  
21 general business practice, and that the PBM should be subjected to  
22 closer supervision with respect to those practices, the Attorney  
23 General may require the PBM to file a report at any periodic  
24 interval the Attorney General deems necessary.



1        H. 1. The Attorney General shall have the authority to collect  
2 all fines, penalties, restitution, and interest thereon pursuant to  
3 the provisions of the Patient's Right to Pharmacy Choice Act,  
4 Pharmacy Audit Integrity Act, and the provisions of Sections 357  
5 through 360 of Title 59 of the Oklahoma Statutes, or any other  
6 charge, cause of action, judgment, prelitigation settlement, or  
7 other settlement that requires the recovery of money as a result of  
8 violations of the Patient's Right to Pharmacy Choice Act. Funds  
9 collected by the Attorney General pursuant to the Patient's Right to  
10 Pharmacy Choice Act, Pharmacy Audit Integrity Act, and Sections 357  
11 through 360 of Title 59 of the Oklahoma Statutes shall be deposited  
12 into the Attorney General's Pharmacy Benefits Manager Enforcement  
13 Revolving Fund.

14        2. Costs of investigation, litigation, attorney fees, and other  
15 expenses incurred shall be retained by the Office of the Attorney  
16 General. Remaining funds shall be distributed to pharmacists,  
17 patients, or other injured parties as determined by the Attorney  
18 General.

19        3. The Attorney General shall promulgate rules for the  
20 distribution of funds pursuant to this subsection.

21        SECTION 5.        NEW LAW        A new section of law to be codified  
22 in the Oklahoma Statutes as Section 6966.2 of Title 36, unless there  
23 is created a duplication in numbering, reads as follows:  
24

1        There is hereby created in the State Treasury a revolving fund  
2 for the Office of the Attorney General, to be designated the  
3 "Attorney General's Pharmacy Benefits Manager Enforcement Revolving  
4 Fund". The fund shall be a continuing fund, not subject to fiscal  
5 year limitations, and shall consist of any monies collected by the  
6 Attorney General and designated to the fund by law, including those  
7 levied for activities related to enforcement of the Patient's Right  
8 to Pharmacy Choice Act, the Pharmacy Audit Integrity Act, and the  
9 provisions of Sections 357 through 360 of Title 59 of the Oklahoma  
10 Statutes. All monies accruing to the credit of the fund are hereby  
11 appropriated and may be budgeted and expended by the Attorney  
12 General for the purposes provided in this section. Expenditures  
13 from the fund shall be made upon warrants issued by the State  
14 Treasurer against claims filed as prescribed by law with the  
15 Director of the Office of Management and Enterprise Services for  
16 approval and payment.

17        SECTION 6.        AMENDATORY        36 O.S. 2021, Section 6967, is  
18 amended to read as follows:

19        Section 6967. A. Documents, evidence, materials, records,  
20 reports, complaints or other information in the possession or  
21 control of the Office of the Attorney General or Insurance  
22 Department ~~or the Right to Pharmacy Choice Commission~~ that ~~are~~ is  
23 obtained by, created by or disclosed to the Office of the Attorney  
24 General or Insurance Commissioner, ~~Pharmacy Choice Commission~~ or any

1 other person in the course of an evaluation, examination,  
2 investigation or review made pursuant to the provisions of the  
3 Patient's Right to Pharmacy Choice Act, the Pharmacy ~~Integrity~~ Audit  
4 Integrity Act or Sections 357 through 360 of Title 59 of the  
5 Oklahoma Statutes, except as provided in subsection C of this  
6 section, shall be confidential by law and privileged, shall not be  
7 subject to open records request, shall not be subject to subpoena  
8 and shall not be subject to discovery or admissible in evidence in  
9 any private civil action if obtained from the Attorney General,  
10 Insurance Commissioner, ~~the Pharmacy Choice Commission~~ or any  
11 employees or representatives of the Attorney General or Insurance  
12 Commissioner.

13 B. Nothing in this section shall prevent the disclosure of a  
14 final order issued against a pharmacy benefits manager by the  
15 Attorney General or Insurance Commissioner ~~or Pharmacy Choice~~  
16 ~~Commission~~. Such orders shall be open records.

17 C. Nothing in this section shall prevent the Attorney General  
18 from making public, in the form of an examination report, any  
19 findings from an examination pursuant to Section 6965 of this title.  
20 It shall be the Attorney General's sole discretion to determine  
21 whether it is in the public's interest to publish these findings.  
22 Only the final examination report shall be made public. Any  
23 documents, evidence, materials, records, reports, complaints, or  
24 other information in possession or control of the Attorney General

1 obtained through the examination shall be confidential by law and  
2 privileged, shall not be subject to the Oklahoma Open Records Act,  
3 shall not be subject to subpoena, and shall not be subject to  
4 discovery or admissible evidence in any private civil action if  
5 obtained from the Attorney General.

6 D. In the course of any hearing made pursuant to the provisions  
7 of the Patient's Right to Pharmacy Choice Act, the Pharmacy  
8 ~~Integrity~~ Audit Integrity Act or Sections 357 through 360 of Title  
9 59 of the Oklahoma Statutes, nothing in this section shall be  
10 construed to prevent the Insurance Commissioner or any employees or  
11 representatives of the Insurance Commissioner from presenting  
12 admissible documents, evidence, materials, records, reports or  
13 complaints to the adjudicating authority.

14 SECTION 7. REPEALER 36 O.S. 2021, Section 6966, is  
15 hereby repealed.

16 SECTION 8. It being immediately necessary for the preservation  
17 of the public peace, health or safety, an emergency is hereby  
18 declared to exist, by reason whereof this act shall take effect and  
19 be in full force from and after its passage and approval.

20 COMMITTEE REPORT BY: COMMITTEE ON RETIREMENT AND INSURANCE  
21 February 20, 2024 - DO PASS AS AMENDED BY CS  
22  
23  
24