

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

SENATE BILL 1344

By: Rosino

AS INTRODUCED

An Act relating to nonopioid alternatives; directing specified agencies to seek certain funding opportunities and provide certain assistance with opioid grant awards; granting certain protections to nonopioid drugs relating to Medicaid drug formulary; specifying applicability of protections; 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. Collaborate to seek funding opportunities for educational and health care services related to nonopioid alternatives; and

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

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

9 A. In establishing and maintaining the formulary for the state
10 Medicaid program, the Oklahoma Health Care Authority shall ensure
11 that no nonopioid drug approved by the United States Food and Drug
12 Administration for the treatment or management of pain shall be
13 disadvantaged or discouraged by either the Authority or a contracted
14 entity, as defined in Section 4002.2 of Title 56 of the Oklahoma
15 Statutes, with respect to coverage on the formulary relative to any
16 opioid or narcotic drug for the treatment or management of pain.
17 Impermissible disadvantaging or discouragement includes, but is not
18 limited to:

19 1. Designating any such nonopioid drug as a nonpreferred drug
20 if any opioid or narcotic drug is designated as a preferred drug; or

21 2. Establishing more restrictive or more extensive utilization
22 controls including, but not limited to, more restrictive or more
23 extensive prior authorization or step therapy requirements, for such
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1 nonopioid drug than the least restrictive or extensive utilization
2 controls applicable to any such opioid or narcotic drug.

3 B. This section shall apply to a nonopioid drug immediately
4 upon its approval by the United States Food and Drug Administration
5 for the treatment or management of pain, regardless of whether such
6 drug has been reviewed by the Authority or the Medicaid Drug
7 Utilization Review Board for inclusion on the formulary.

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

11 Section 30.5. As used in the Political Subdivisions Opioid
12 Abatement Grants Act:

13 1. "Approved purpose" and "approved purposes" mean evidence-
14 based, forward-looking strategies, programming and services used to:

- 15 a. expand the availability of treatment for individuals
16 affected by opioid use disorders, co-occurring
17 substance use disorders and mental health issues,
- 18 b. develop, promote and provide evidence-based opioid use
19 prevention strategies,
- 20 c. provide opioid use disorder and co-occurring substance
21 use disorder avoidance and awareness education,
- 22 d. decrease the oversupply of licit and illicit opioids,
- 23 e. support recovery from addiction services performed by
24 qualified and appropriately licensed providers,

- f. treat opioid use, abuse and disorders including early intervention screening, counseling and support,
- g. support individuals in treatment and recovery from opioid use, abuse and disorder,
- h. provide programs or services to connect individuals with opioid use, abuse or disorder, or who are at risk of developing opioid use disorder, co-occurring substance use disorder and mental health issues, with treatment and counseling programs and services,
- i. address the needs of individuals who are involved, or who are at risk of becoming involved, in the criminal justice system due to opioid use, abuse or disorder through programs or services in municipal and county criminal judicial systems including prearrest and postarrest diversion programs, pretrial services and drug or recovery courts,
- j. address the needs of pregnant or parenting women with opioid use, abuse or disorder and their families,
- k. address the needs of parents and caregivers caring for babies with neonatal abstinence syndrome,
- l. support efforts to prevent overprescribing and ensure appropriate prescribing and dispensing of opioids,

- 1 m. support efforts to discourage or prevent misuse of
2 opioids including the oversupply of licit and illicit
3 opioids,
4 n. support efforts to prevent or reduce overdose deaths
5 or other opioid-related harms including through
6 increased availability and distribution of naloxone
7 and other drugs that treat overdoses for use by first
8 responders, persons who have experienced an overdose
9 event, families, schools, community-based service
10 providers, social workers and other members of the
11 public,
12 o. reimburse or fund law enforcement and emergency
13 responder expenditures relating to the opioid epidemic
14 including costs of responding to emergency medical or
15 police calls for service, equipment, treatment or
16 response alternatives, mental health response training
17 and training for law enforcement and emergency
18 responders as to appropriate practices and precautions
19 when dealing with opioids or individuals who are at
20 risk of opioid overdose or death,
21 p. reimburse attorney fees and allowable expenses
22 directly related to opioid litigation incurred as part
23 of legal services agreements entered into before May
24 21, 2020,

- 1 q. support efforts to provide leadership, planning and
2 coordination to abate the opioid epidemic through
3 activities, programs or strategies for prevention and
4 recovery models including regional intergovernmental
5 efforts and not-for-profit agency support,
6 r. support education of youths regarding the dangers of
7 opioid use, abuse and addiction,
8 s. fund training relative to any approved purpose,
9 t. monitor, surveil and evaluate opioid use, abuse or
10 disorder, ~~or~~
11 u. provide educational and health care services related
12 to nonopioid treatment alternatives, or
13 v. provide opioid abatement as identified by the Oklahoma
14 Opioid Abatement Board as consistent with the purpose
15 of the Political Subdivisions Opioid Abatement Grants
16 Act.

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

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

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

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

3 5. "Opioid funds" means all monetary amounts obtained through a
4 settlement or judgment by the Attorney General on behalf of this
5 state related to opioid litigation involving pharmaceutical supply
6 chain participants including the Purdue Political Subdivisions Fund
7 but excluding all other funds received pursuant to the Purdue
8 Settlement Agreement;

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

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

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

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

21 10. "Purdue Political Subdivision Fund" means the Twelve
22 Million Five Hundred Thousand Dollars (\$12,500,000.00) plus any
23 interest accrued thereon received from the Revive Oklahoma Health
24 Foundation consisting of funds from the Purdue Settlement Agreement

1 designed for distribution to political subdivisions which have
2 executed a release of legal claims as required by the Purdue
3 Settlement Agreement; and

4 11. "Purdue Settlement Agreement" means the settlement
5 agreement entered into by this state and Purdue Pharma L.P., Purdue
6 Pharma, Inc. and the Purdue Frederick Company on March 26, 2019, and
7 approved by the Court on April 2, 2019.

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

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