

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

SENATE BILL 1916

By: Standridge

AS INTRODUCED

An Act relating to prescription drugs; creating the Oklahoma Patient Right to Know Act; providing short title; defining terms; authorizing pharmacists to request certain information on behalf of certain persons; requiring response from certain entities within certain timeframe; establishing fine for certain violation; directing transmission of certain fine to the Insurance Department for certain deposit; directing rule promulgation; 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 6980 of Title 36, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Oklahoma Patient Right to Know Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6981 of Title 36, unless there is created a duplication in numbering, reads as follows:

A. For the purpose of this section:

1. "Insurer" means any entity or insurer authorized to provide health insurance or health benefits pursuant to the laws of this

1 state and any entity or person engaged in the business of providing
2 contracts for accident or health insurance;

3 2. "Manufacturer" means any person, business, or entity that
4 holds the National Drug Code for a prescription drug and is engaged
5 in the production, preparation, propagation, compounding,
6 conversion, or processing of drug products in this state. It shall
7 also include any person, business, or entity that is engaged in the
8 packaging, repackaging, labeling, relabeling, or distribution of
9 drug products in this state, or any person, business, or entity that
10 causes the drug products to be compounded, packaged, or transported
11 in this state. Provided, the term manufacturer shall not include a
12 wholesale drug distributor, as defined in this section, or a retail
13 pharmacy licensed by the State Board of Pharmacy;

14 3. "Pharmacist" means any person licensed by the State Board of
15 Pharmacy to practice pharmacy in this state;

16 4. "Pharmacy benefits manager" means a person, business, or
17 entity, and any partially or wholly owned subsidiary of an entity,
18 doing business in this state which contracts to administer or manage
19 prescription drug benefits on behalf of a managed care company,
20 nonprofit hospital, medical service organization, insurance company,
21 third-party payor, or a health program administered by a department
22 of this state; and

23 5. "Wholesale drug distributor" means a person, business, or
24 entity licensed by the State Board of Pharmacy and engaged in the
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1 sale of prescription drugs to another person, business, or entity
2 other than a consumer or patient. This includes but is not limited
3 to manufacturers, repackagers, own-label distributors, private label
4 distributors, jobbers, brokers, warehouses including manufacturers'
5 and distributors' warehouses, chain drug warehouses, wholesale drug
6 warehouses, independent wholesale drug traders, and retail
7 pharmacies that conduct wholesale distributions.

8 B. 1. Beginning January 1, 2025, a pharmacist, on behalf of a
9 patient obtaining a prescription drug or drugs, as defined in
10 paragraph 2 of Section 5040.3 of Title 74 of the Oklahoma Statutes,
11 shall be authorized to submit a request in writing from the patient,
12 on a form prescribed by the State Board of Pharmacy, for information
13 on the specific allocation of the dollar amount of the retail price
14 provided to the insurer, manufacturer, wholesale drug distributor,
15 and pharmacy benefits manager for the drug or drugs being dispensed
16 pursuant to the prescription.

17 2. The insurer, manufacturer, wholesale drug distributor, and
18 pharmacy benefits manager shall have thirty (30) days from receipt
19 of the request from the pharmacist to provide the information
20 requested.

21 3. If the information is not provided to the pharmacist within
22 thirty (30) days, a fine of Fifty Dollars (\$50.00) per day, per
23 request shall be paid to the pharmacy by any entity failing to
24 provide the information required by this section. The pharmacy

1 shall remit any amount received to the Insurance Department;
2 provided, however, that the pharmacy is authorized to charge a
3 handling fee in an amount to be determined by the Insurance
4 Department. The Insurance Department shall deposit the remaining
5 amount of the fine to the credit of the State Insurance Commissioner
6 Revolving Fund for the operations of the Office of the Insurance
7 Commissioner, pursuant to Section 307.3 of Title 36 of the Oklahoma
8 Statutes.

9 C. The Insurance Department shall promulgate rules to implement
10 the provisions of this section.

11 SECTION 3. This act shall become effective November 1, 2024.
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