

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

SENATE BILL 13

By: Garvin

AS INTRODUCED

An Act relating to pharmaceuticals; defining terms; prohibiting certain drug plans from refusing certain dispensing of physician-administered or injectable drugs under certain circumstances; requiring certain drugs meet certain federal requirements; prohibiting patients from payment of certain fees beyond cost-sharing obligation; establishing penalties; providing immunity from liability to certain providers; 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 6969 of Title 36, unless there is created a duplication in numbering, reads as follows:

A. As used in this section:

1. "Health care provider" means a provider as defined pursuant to Section 6571 of Title 36 of the Oklahoma Statutes;

2. "Pharmacy benefits manager" means a manager as defined pursuant to Section 6960 of Title 36 of the Oklahoma Statutes; and

1 3. "White bagged drugs" means a patient-specific medication
2 distributed from a pharmacy, typically a third-party specialty
3 pharmacy, to a health care provider for administration.

4 B. In the event that a health care provider dispenses or
5 administers a white bagged drug to a patient, that patient's
6 pharmaceutical drug plan or the pharmacy benefits manager of the
7 drug plan shall not refuse to approve, authorize, or pay the third-
8 party specialty pharmacy for the drug solely because the drug is a
9 white bagged drug.

10 C. All white bagged drugs distributed in this state shall meet
11 supply chain security controls set forth by the federal Drug Supply
12 Chain Security Act as amended. The State Board of Pharmacy may
13 promulgate rules related to supply, storage, and transaction history
14 to ensure that white bagged drugs are in compliance with federal
15 law.

16 D. A pharmaceutical drug plan or a pharmacy benefits manager of
17 a plan shall not require a covered patient to self-administer an
18 injectable white bagged drug against a health care provider's
19 recommendation.

20 E. A pharmaceutical drug plan or a pharmacy benefits manager of
21 a plan shall not require a covered patient to pay additional fees
22 for white bagged drugs beyond cost-sharing obligations as outlined
23 in the individual's plan.

1 F. Any pharmaceutical drug plan or pharmacy benefits manager in
2 violation of this act shall be fined a minimum of Five Thousand
3 Dollars (\$5,000.00) per violation, but not more than Ten Thousand
4 Dollars (\$10,000.00) per violation. Fines related to this section
5 shall not be used when calculating payers, plans, or members loss
6 ratios and losses incurred pursuant to this subsection shall not be
7 passed on to the insured in future rate increases.

8 G. A health care provider shall be immune from civil liability
9 for any loss or harm to a person due to his or her health insurance
10 plan utilizing white bagged drugs caused by an act or omission by
11 the facility or provider that occurs during the process outlined in
12 this act if the act or omission was not the result of gross
13 negligence or willful or wanton misconduct of the health care
14 facility or health care provider rendering the health care services.

15 SECTION 2. This act shall become effective November 1, 2023.
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