HOUSE OF REPRESENTATIVES - FLOOR VERSION

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

HOUSE BILL 2801 By: Marti of the House

and

Stanley of the Senate

AS INTRODUCED

An Act relating to antipsychotic drugs; amending 56 O.S. 2021, Section 204, which relates to vendor drug program; authorizing the Oklahoma Health Care Authority to approve prior authorized antipsychotics; providing for certain disorders; establishing certain prior authorization; and providing an effective date.

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

SECTION 1. AMENDATORY 56 O.S. 2021, Section 204, is amended to read as follows:

Section 204. A. Except as otherwise provided, the Oklahoma Health Care Authority shall be authorized and directed to establish a vendor drug program to provide any drugs that have been approved and designated as safe and effective by the federal Food and Drug Administration, and that are prescribed by a licensed medical, dental, podiatric, or osteopathic practitioner for eligible

recipients of assistance payments suffering from painful or life-endangering diseases or other persons who are suffering from a catastrophic illness.

B. The Authority shall, in accordance with federal law, not be obligated to cover any outpatient drugs of a manufacturer which has not entered into or which does not have in effect a rebate agreement with the Secretary of Health and Human Services on behalf of the state.

C. Such program shall, to the fullest extent possible, be established and maintained in conjunction with existing federal programs of prescribed drugs so as to earn the maximum of federal financial participation. Exempt from the provisions of this section are the following drugs or classes of drugs, or their medical uses:

1. Agents when used for anorexia or weight gain;

2. Agents when used to promote fertility;

3. Agents when used for cosmetic purposes or hair growth;

4. Agents when used for the symptomatic relief of coughs and colds;

5. Agents when used to promote smoking cessation;

6. Prescription vitamins and mineral products, except prenatal vitamins and fluoride preparations;

7. Nonprescription drugs;

8. Covered outpatient drugs when the manufacturer seeks to require as a condition of sale that associated tests or monitoring

services be purchased exclusively from the manufacturer or its designee;

9. Drugs described in paragraph 3 of subsection c of Section 107 of the Drug Amendments of 1962, 21 U.S.C., Section 107(c)(3), and identical, similar or related drugs, within the meaning of paragraph 1 of subsection b of Section 310.6 of Title 21 of the Code of Federal Regulations;

10. Barbiturates; or

11. Benzodiazepines;

provided, however, the Authority shall be authorized to include specific drugs within these categories for reimbursement based upon specific medical need.

D. The Authority shall be authorized to establish a prospective drug utilization review program for the H2 Antagonists; provided that such limitations are in compliance with federal Food and Drug Administration Agency-approved product labeling.

E. The Authority shall approve a prior authorization request for any FDA approved atypical antipsychotic that is not on the preferred drug list for the treatment and prevention of mood disorders with psychotic symptoms including bipolar disorders, schizophrenia, and schizotypal or delusion disorders. Medications included under this section shall be available at parity to other branded medications in the same class. Approval shall be based on

patient's claims history or health care provider attestation of one of the following conditions for the Medicaid client:

1. A trial and failure of any preferred atypical antipsychotic in the preceding three hundred sixty-five (365) days; or

2. The patient is stable on an atypical antipsychotic that is not included on the preferred drug list.

SECTION 2. This act shall become effective November 1, 2025.

COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES OVERSIGHT, dated 02/26/2025 – DO PASS.