

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

SENATE BILL 1563

By: Rosino

AS INTRODUCED

An Act relating to nonopioid drugs; amending Section 2, Chapter 124, O.S.L. 2024 (63 O.S. Supp. 2025, Section 5031), which relates to the state Medicaid program; adding definition; modifying certain restrictions on the Medicaid drug formulary; defining terms; authorizing carrier of state employee flexible benefit plan to adopt a state preferred drug list (PDL); prohibiting carrier from imposing certain utilization controls in PDL; specifying applicability of certain provisions; providing for codification; and providing an effective date.

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

SECTION 1. AMENDATORY Section 2, Chapter 124, O.S.L. 2024 (63 O.S. Supp. 2025, Section 5031), is amended to read as follows:

Section 5031. A. As used in this section, ~~"contracted entity"~~:

1. "Contracted entity" has the same meaning as provided by Section 4002.2 of Title 56 of the Oklahoma Statutes; and

2. "Nonopioid drug" has the same meaning as provided by Section 2 of this act.

1 B. In establishing and maintaining the formulary for the state
2 Medicaid program, the Oklahoma Health Care Authority shall ~~ensure~~
3 ~~that no~~ not establish more restrictive or more extensive utilization
4 controls including, but not limited to, more restrictive or more
5 extensive prior authorization requirements or step therapy
6 requirements, for any nonopioid drug approved by the United States
7 Food and Drug Administration (FDA) for the treatment or management
8 of pain ~~shall be disadvantaged or discouraged by either the~~
9 ~~Authority or a contracted entity with respect to coverage on the~~
10 ~~formulary relative to any opioid or narcotic drug for the treatment~~
11 ~~or management of pain~~ than the least restrictive or extensive
12 utilization controls applicable to any opioid or narcotic drug that
13 is FDA-approved for the treatment or management of pain.

14 C. When a contracted provider prescribes an FDA-approved
15 nonopioid drug for the treatment or management of pain, the
16 Authority or a contracted entity shall not deny coverage of the
17 nonopioid drug in favor of an opioid drug.

18 D. This section does not preclude opioid drugs from being
19 preferred over other opioid drugs or nonopioid drugs from being
20 preferred over other nonopioid drugs.

21 SECTION 2. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 1313.1 of Title 74, unless there
23 is created a duplication in numbering, reads as follows:

24 A. As used in this section:

1 1. "Carrier" has the same meaning as provided in Section 1303
2 of Title 74 of the Oklahoma Statutes;

3 2. "Flexible benefit plan" has the same meaning as the term
4 "plan" as defined in the Oklahoma State Employees Benefits Act,
5 Section 1363 of Title 74 of the Oklahoma Statutes, and includes any
6 such plan, whether the carrier is the State of Oklahoma or a state-
7 designated health maintenance organization (HMO); and

8 3. "Nonopioid drug" means a drug or biological product that is
9 indicated to produce analgesia without acting on the body's opioid
10 receptors, for which there is no other drug or product that is rated
11 as therapeutically equivalent under the United States Food and Drug
12 Administration's most recent publication of "Approved Drug Products
13 with Therapeutic Equivalence Evaluations".

14 B. Except as otherwise provided in this section, a carrier, for
15 purposes of offering a flexible benefit plan, may adopt or amend a
16 state preferred drug list (PDL).

17 C. In establishing and maintaining the PDL, the carrier shall
18 not establish more restrictive or more extensive utilization
19 controls including, but not limited to, more restrictive or more
20 extensive prior authorization requirements or step therapy
21 requirements, for any nonopioid drug approved by the United States
22 Food and Drug Administration (FDA) for the treatment or management
23 of pain than the least restrictive or extensive utilization controls
24

1 applicable to any opioid or narcotic drug that is FDA-approved for
2 the treatment or management of pain.

3 D. This section applies to a nonopioid drug:

4 1. That has been reviewed and approved for coverage by a
5 flexible benefit plan or carrier; or

6 2. Provided under a contract between the carrier and a pharmacy
7 benefits manager for purposes of a flexible benefit plan.

8 SECTION 3. This act shall become effective January 1, 2027.

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