

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

HOUSE BILL 3259

By: Lepak

AS INTRODUCED

An Act relating to health insurance; providing definitions; prohibiting all-or-nothing, anti-steering, gag, or most favored nation clauses in contracts between providers and general contracting entities; prohibiting provider network contracts that include all-or-nothing, gag, or most favored nation clauses; prohibiting providers from amending or renewing contracts with all-or-nothing, anti-steering, gag, or most favored nation clauses; clarifying that all provider network contract all-or-nothing, anti-steering, gag, or most favored nation clauses are void and unenforceable; directing that general contracting entities should only encourage obtaining care services from particular providers if the enrollee is the primary beneficiary; 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 6070 of Title 36, unless there is created a duplication in numbering, reads as follows:

A. As used in this act:

1. "All-or-nothing clause" means a provision in a provider network contract that requires a general contracting entity to:

1 a. include all members of a provider in a network plan,
2 or

3 b. enter into or maintain an additional contract with an
4 affiliate of a provider as a condition of entering
5 into a contract.

6 2. "Anti-steering clause" means a provision in a provider
7 network contract that restricts the ability of a general contracting
8 entity to encourage an enrollee to obtain a health care service from
9 a competitor of the provider, including offering incentives to
10 encourage enrollees to use specific providers;

11 3. "Gag clause" means a provision in a provider network
12 contract that restricts the ability of a general contracting entity
13 or provider to disclose:

14 a. price or quality information, including the allowed
15 amount, negotiated rates or discounts, fees for
16 services, or other claim-related financial obligations
17 included in the contract, to a governmental entity as
18 authorized by law or its contractors or agents, an
19 enrollee, a treating provider of an enrollee, a plan
20 sponsor, or potential eligible enrollees and plan
21 sponsors, or

22 b. out-of-pocket costs to an enrollee;

23 4. "General contracting entity" means a person who enters into
24 a direct contract with a provider for the delivery of health care

1 services to covered individuals regardless of whether the person, in
2 the ordinary course of business, establishes a provider network for
3 access by another party; and

4 5. "Most favored nation clause" means a provision in a provider
5 network contract that:

6 a. prohibits or grants an option to prohibit:

7 (1) a provider from contracting with another general
8 contracting entity to provide health care
9 services at a lower rate, or

10 (2) a general contracting entity from contracting
11 with another provider to provide health care
12 services at a higher rate,

13 b. requires or grants an option to require:

14 (1) a provider to accept a lower rate for health care
15 services if the provider agrees with another
16 general contracting entity to accept a lower rate
17 for the services, or

18 (2) a general contracting entity to pay a higher rate
19 for health care services if the entity agrees
20 with another provider to pay a higher rate for
21 the services,

22 c. requires or grants an option to require termination or
23 renegotiation of an existing provider network contract
24 if:

1 (1) a provider agrees with another general
2 contracting entity to accept a lower rate for
3 providing health care services, or

4 (2) a general contracting entity agrees with a
5 provider to pay a higher rate for health care
6 services, or

7 d. requires:

8 (1) a provider to disclose the provider's contractual
9 reimbursement rates with other general
10 contracting entities, or

11 (2) a general contracting entity to disclose the
12 general contracting entity's contractual
13 reimbursement rates with other providers.

14 B. A provider may not:

15 1. Offer to a general contracting entity a provider network
16 contract that includes an all-or-nothing, anti-steering, gag, or
17 most favored nation clause;

18 2. Enter into a provider network contract that includes an all-
19 or-nothing, gag, or most favored nation clause; or

20 3. Amend or renew an existing provider network contract
21 previously entered into with a general contracting entity so that
22 the contract as amended or renewed adds or retains an all-or-
23 nothing, anti-steering, gag, or most favored nation clause.

1 C. Any provision in a provider network contract that is an all-
2 or-nothing, anti-steering, gag, or most favored nation clause is
3 void and unenforceable. The remaining provisions in the provider
4 network contract remain in effect and are enforceable.

5 D. A general contracting entity that encourages an enrollee to
6 obtain a health care service from a particular provider, including
7 offering incentives to encourage enrollees to use specific
8 providers, has a fiduciary duty to the enrollee to engage in that
9 conduct only for the primary benefit of the enrollee.

10 SECTION 2. This act shall become effective November 1, 2026.

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12 60-2-14014 MJ 11/19/25
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