

1 STATE OF OKLAHOMA

2 2nd Session of the 60th Legislature (2026)

3 HOUSE BILL 4457

By: Newton

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5

6 AS INTRODUCED

7 An Act relating to pharmacy benefits managers;  
8 defining terms; regulating pharmacy benefits managers  
9 interest in a certain license; providing enforcement;  
10 providing a limited exception; providing for  
11 promulgation of rules by the State Board of Pharmacy;  
12 allowing for extension of time depending on certain  
13 criteria; directing written notice to pharmacy  
14 license holders in violation; specifying written  
15 notice requirements; requiring written notice to  
16 patients from pharmacy; providing for codification;  
17 and providing an effective date.

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

19 SECTION 1. NEW LAW A new section of law to be codified

20 in the Oklahoma Statutes as Section 356.10 of Title 59, unless there  
21 is created a duplication in numbering, reads as follows:

22 A. As used in this section:

23 1. "License" means a license issued pursuant to Section 353.18  
24 of Title 59 and shall include a pharmacy license for a mail-order  
pharmacy; and

1       2. "Pharmacy benefits manager" means the same as defined in  
2       Section 6960 of Title 36 of the Oklahoma Statutes and shall include  
3       an entity that:

4           a. is managed by a pharmacy benefits manager or is a  
5            subsidiary of a pharmacy benefits manager, or  
6           b. has a direct or indirect ownership interest in a  
7            pharmacy benefits manager.

8       B. A pharmacy benefits manager shall not acquire direct or  
9       indirect interest in, or otherwise hold, directly or indirectly, a  
10      license pursuant to Section 353.18 of Title 59 for retail sale of  
11      drugs or medicines in this state.

12      C. On and after the effective date of this act, the State Board  
13      of Pharmacy shall either revoke or not renew a license of an entity  
14      that violates this section.

15      D. Until September 1, 2028, the Board may issue a limited use  
16      license for certain rare, orphan, or limited distribution drugs that  
17      are otherwise unavailable in the market to a patient or a pharmacy  
18      that would otherwise be prohibited pursuant to this section.

19           1. The Board may assess the need for rare, orphan, or limited  
20      distribution drugs pursuant to this subsection before revocation or  
21      renewal of an existing license for a pharmacy;

22           2. If the assessment made by the Board in paragraph 1 of this  
23      subsection determines that a rare, orphan, or limited distribution  
24      drug is otherwise unavailable in the market to a patient or pharmacy

1 that would otherwise be prohibited in this section, the Board shall  
2 convert the license for the prohibited pharmacy to a limited use  
3 license for that pharmacy for a period of no less than ninety (90)  
4 days; and

5       3. The Board shall promulgate rules to implement the provisions  
6 of this subsection. The rules shall establish:

- 7       a. the process in which a patient, pharmacy, or health  
8               care provider may notify the Board of a rare, orphan,  
9               or limited distribution drug unavailable in the  
10              market,
- 11       b. the process in which a pharmacy may request a limited  
12              use license,
- 13       c. the timeline in which the Board shall make decisions,  
14              and
- 15       d. the process for emergency determinations due to  
16              patient need.

17       E. The Board may extend the use of a license or issue a renewal  
18 of a license for a pharmacy that offers same-day patient access for  
19 pharmacist services, a prescription for a controlled substance,  
20 mental health services, or other critical patient health care  
21 services for a period of time as determines by the Board if there is  
22 a pending sale of the pharmacy to an eligible buyer.

23       F. This section shall not apply to a pharmacy employer and a  
24 pharmacy that:

1       1. Has direct or indirect interest in a pharmacy benefits  
2 manager;

3       2. The pharmacy employer is the sole Oklahoma client of the  
4 pharmacy benefits manager that the pharmacy employer has a direct or  
5 indirect interest in; and

6       3. Exclusively services the employees and dependents of the  
7 pharmacy employer while utilizing the affiliated pharmacy benefits  
8 manager in this state.

9           SECTION 2.        NEW LAW        A new section of law to be codified  
10 in the Oklahoma Statutes as Section 356.11 of Title 59, unless there  
11 is created a duplication in numbering, reads as follows:

12       A. The State Board of Pharmacy shall conduct an initial  
13 assessment of each active pharmacy license that was issued pursuant  
14 to Section 353.18 of Title 59 as of July 1, 2026, and shall send  
15 written notice to each pharmacy license holder that the Board  
16 reasonably believes will violate Section 2 of this act at least  
17 ninety (90) days before January 1, 2027. As used in this  
18 subsection, "written notice" means actual notice to the pharmacy  
19 license holder via mail or email.

20       B. The written notice required pursuant to subsection A of this  
21 section shall include:

22       1. A list of each pharmacy benefits manager that holds a direct  
23 or indirect interest in, or otherwise holds, directly or indirectly,  
24 a license pursuant to Section 353.18 of Title 59 for the retail sale

1 of drugs or medicines in this state held by the pharmacy license  
2 holder;

3 2. A phone number and email address that is monitored by the  
4 Board during regular business hours; and

5 3. A list of Oklahoma pharmacies that hold an active license  
6 that are not reasonably expected to violate Section 2 of this act as  
7 of January 1, 2027. The list shall include:

- 8 a. the name of the pharmacy,
- 9 b. the phone number of the pharmacy,
- 10 c. the physical address of the pharmacy,
- 11 d. the website of the pharmacy, if known, and
- 12 e. an email address for the pharmacy, if known.

13 If the Board has a searchable website that includes the  
14 information requires in this paragraph, the Board may provide the  
15 website information in lieu of the list.

16 C. A pharmacy license holder with written notice from the Board  
17 pursuant to subsection A of this section shall provide written  
18 notice at least sixty (6) days before January 1, 2027, to each  
19 patient and each patient's prescribing health care provider that has  
20 used the pharmacy within the previous twelve (12) months that the  
21 pharmacy can no longer dispense retail drugs to the patient on or  
22 after January 1, 2027. As used in this subsection, "written notice"  
23 means actual notice to the patient via mail, email, or through the  
24 pharmacy's patient portal. Written notice shall include the

1 information under paragraphs 2 and 3 of subsection B of this section  
2 provided by the Board to the pharmacy license holder.

3 SECTION 3. This act shall become effective November 1, 2026.

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