

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 SENATE BILL 493

By: McCortney

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5
6 AS INTRODUCED

7 An Act relating to prescription drugs; defining
8 terms; establishing the State Prescription Drug
9 Purchasing Pool; authorizing Office of Management and
10 Enterprise Services to allow certain entities to
11 purchase prescription drugs under state authority;
12 defining terms; authorizing Office to establish
13 procedures for participation in pool; authorizing
14 Office to offer option to purchase stop-loss
15 insurance coverage at certain rate for specified
16 participants; authorizing certain entities to
17 participate jointly in pool; construing provision;
18 requiring participant entities pay full cost of
19 claims and prescription drugs; authorizing Office to
20 coordinate with certain program for certain purpose;
21 authorizing Office to obtain stop-loss insurance
22 coverage; authorizing Office to promulgate rules;
23 providing for codification; and providing an
24 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 1350 of Title 36, unless there
21 is created a duplication in numbering, reads as follows:

22 A. As used in this section:

23 1. "Health insurance carrier" means any entity which provides
24 health insurance, health benefits or contracts for health care

1 services, including prescription drug coverage, to large groups,
2 small groups or individuals in this state and that is subject to the
3 insurance laws and regulations of this state or the jurisdiction of
4 Insurance Commissioner;

5 2. "Nonstate public employer" means a county, municipality or
6 other political subdivision of the state, including a board of
7 education, quasi-public agency, state university system or the Board
8 of Trustees of the Teachers' Retirement System of Oklahoma; and

9 3. "Qualified private employer" means a self-insured private
10 employer doing business in this state.

11 B. There is hereby established the "State Prescription Drug
12 Purchasing Pool". The Office of Enterprise and Management Services
13 may offer nonstate public employers, qualified private employers and
14 health insurance carriers the option to purchase prescription drugs,
15 as defined in Section 367.2 of Title 59 of the Oklahoma Statutes,
16 for their employees, dependents of employees and retirees under the
17 purchasing authority of this state, subject to the provisions of
18 subsection E of this section.

19 C. The Office may establish procedures to determine
20 participation in the State Prescription Drug Purchasing Pool by
21 nonstate public employers, qualified private employers and health
22 insurance carriers pursuant to subsection A of this section, which
23 shall include but are not limited to eligibility requirements,
24 enrollment procedures, duration of participation, requirements

1 regarding payment, and procedures for withdrawal or termination from
2 the Pool

3 D. The Office may offer to nonstate public employers, qualified
4 private employers or health insurance carriers that choose to
5 participate in the State Prescription Drug Purchasing Pool, pursuant
6 to subsection A of this section, the option to purchase stop-loss
7 coverage from an insurer at a rate negotiated by the Office.

8 E. Two or more nonstate public employers or qualified private
9 employers may operate together for the purpose of purchasing
10 prescription drugs for their employees, dependents of employees and
11 retirees. This arrangement shall not constitute a multiple employer
12 welfare arrangement, as defined in Section 3 of the Employee
13 Retirement Income Security Act of 1974, 29 U.S.C., Section
14 1002(40)(A), as amended.

15 F. Nonstate public employers, qualified private employers and
16 health insurance carriers that participate in the State Prescription
17 Drug Purchasing Pool pursuant to this section shall pay the full
18 cost of their own claims and prescription drugs.

19 G. The Office may coordinate the State Prescription Drug
20 Purchasing Pool with any prescription drug assistance program
21 established through the Rx for Oklahoma Act pursuant to Section
22 5040.2 et seq. of Title 74 of the Oklahoma Statutes. This
23 coordination may include purchasing prescription drugs for the
24 program through the Pool and offering discounts, rebates and prices

1 secured through the Pool to participants of the prescription drug
2 assistance program.

3 H. The Office may obtain stop-loss insurance coverage pursuant
4 to Section 7401 of Title 36 of the Oklahoma Statutes provided,
5 however, that the coverage complies with the provisions of this
6 section.

7 I. The Office of Enterprise and Management Services is
8 authorized to promulgate rules to implement the provisions of this
9 act.

10 SECTION 2. This act shall become effective November 1, 2021.

12 58-1-89 CB 1/19/2021 6:35:30 PM