

1 **SENATE FLOOR VERSION**

February 18, 2021

2 **AS AMENDED**

3 SENATE BILL NO. 493

By: McCortney of the Senate

4 and

5 McEntire of the House

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7
8 **[prescription drugs - State Prescription Drug**
9 **Purchasing Pool - participation in pool -**
10 **codification - effective date]**

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

13 SECTION 1. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 1350 of Title 36, unless there
15 is created a duplication in numbering, reads as follows:

16 A. As used in this section:

17 1. "Health insurance carrier" means any entity which provides
18 health insurance, health benefits or contracts for health care
19 services, including prescription drug coverage, to large groups,
20 small groups or individuals in this state and that is subject to the
21 insurance laws and regulations of this state or the jurisdiction of
22 Insurance Commissioner;

23 2. "Nonstate public employer" means a county, municipality or
24 other political subdivision of the state, including a board of

1 education, quasi-public agency, state university system or the Board
2 of Trustees of the Teachers' Retirement System of Oklahoma; and

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

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

13 C. The Office may establish procedures to determine
14 participation in the State Prescription Drug Purchasing Pool by
15 nonstate public employers, qualified private employers and health
16 insurance carriers pursuant to subsection A of this section, which
17 shall include but are not limited to eligibility requirements,
18 enrollment procedures, duration of participation, requirements
19 regarding payment, and procedures for withdrawal or termination from
20 the Pool

21 D. The Office may offer to nonstate public employers, qualified
22 private employers or health insurance carriers that choose to
23 participate in the State Prescription Drug Purchasing Pool, pursuant

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1 to subsection A of this section, the option to purchase stop-loss
2 coverage from an insurer at a rate negotiated by the Office.

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

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

14 G. The Office may coordinate the State Prescription Drug
15 Purchasing Pool with any prescription drug assistance program
16 established through the Rx for Oklahoma Act pursuant to Section
17 5040.2 et seq. of Title 74 of the Oklahoma Statutes. This
18 coordination may include purchasing prescription drugs for the
19 program through the Pool and offering discounts, rebates and prices
20 secured through the Pool to participants of the prescription drug
21 assistance program.

22 H. The Office may obtain stop-loss insurance coverage pursuant
23 to Section 7401 of Title 36 of the Oklahoma Statutes provided,
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1 however, that the coverage complies with the provisions of this
2 section.

3 I. The Office of Enterprise and Management Services is
4 authorized to promulgate rules to implement the provisions of this
5 act.

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

7 COMMITTEE REPORT BY: COMMITTEE ON RETIREMENT AND INSURANCE
8 February 18, 2021 - DO PASS AS AMENDED

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