

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 SENATE BILL 379

By: Adelson

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5
6 AS INTRODUCED

7 An Act relating to professions and occupations;
8 prohibiting certain use of specified information;
9 providing for exceptions; defining term; clarifying
10 scope of act; providing for punishments; providing for
11 codification; and providing an effective date.

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 in
14 the Oklahoma Statutes as Section 375 of Title 59, unless there is
15 created a duplication in numbering, reads as follows:

16 A. Records relative to prescription information containing
17 patient-identifiable and prescriber-identifiable data shall not be
18 licensed, transferred, used, or sold by any pharmacy benefits manager,
19 insurance company, electronic transmission intermediary, retail, mail
20 order, or Internet pharmacy or other similar entity, for any
21 commercial purpose, except for the limited purposes of:

- 22 1. Pharmacy reimbursement;
23 2. Formulary compliance;
24 3. Care management;

1 4. Utilization review by a health care provider, the insurance
2 provider of a patient, or the agent of either;

3 5. Health care research; or

4 6. As otherwise provided by law.

5 B. For purposes of this section, "commercial purpose" means
6 activities including, but not limited to, advertising, marketing,
7 promotion, or any other activity that could be used to influence
8 sales or market share of a pharmaceutical product, influence or
9 evaluate the prescribing behavior of an individual health care
10 professional, or evaluate the effectiveness of a professional
11 pharmaceutical detailing sales force.

12 C. Nothing in this section shall be construed to prohibit:

13 1. The dispensing of prescription medications to a patient or to
14 the authorized representative of the patient;

15 2. The transmission of prescription information between an
16 authorized prescriber and a licensed pharmacy;

17 3. The transfer of prescription information between licensed
18 pharmacies;

19 4. The transfer of prescription records that may occur in the
20 event a pharmacy ownership is changed or transferred;

21 5. Care management educational communications provided to a
22 patient about the health condition of the patient, adherence to a
23 prescribed course of therapy, or other information about the drug
24 being dispensed, treatment options, or clinical trials; or

1 6. The collection, use, transfer, or sale of patient and
2 prescriber de-identified data by zip code, geographic region, or
3 medical specialty for commercial purposes.

4 D. Any person who knowingly violates the provisions of this
5 section shall be guilty of a misdemeanor punishable by the imposition
6 of a fine of not less than One Thousand Dollars (\$1,000.00) or by
7 imprisonment in the county jail for not more than thirty (30) days,
8 or by both such fine and imprisonment.

9 SECTION 2. This act shall become effective November 1, 2009.

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