



2007 legislative Session OPhA Major Efforts

- 1. DXM** – The 2006 Session effort by the State Department of Mental Health and Substance Abuse to restrict the sale of products containing DXM continued on into the 2007 Session. During the interim, a working “DXM Task Force” met a number of times to discuss DXM and other potentially addictive products. At the conclusion of the Task Force meetings the representatives from the major business associations – Grocers, Convenience Stores and Pharmacies – all volunteered to develop and promote a voluntary age restriction and quantity purchase limitation as a means to help discourage sales and consumption of DXM products among minors.

However, the Mental Health and Substance Abuse advocates were not satisfied with any provisions that were voluntary and again called for mandatory restrictions accompanied by arrests and fines for violations. Therefore, the 2007 Session saw the DXM battle continue:

- A. SB 951** by Senator Charlie Laster, D-Shawnee and Rep. Dr. Doug Cox, R-Grove – Proposed requiring mandatory restrictions for the amount of product allowed to be purchased and allowing no sales to anyone under the 18 years old. This legislation called for requiring a Photo ID for being able to purchase DXM or Spray Paint. Additionally, the legislation proposed a series of fines and citations for criminal offenses to any businesses that violated these restrictions.

We continued our coordinated lobbying effort – working closely with the Grocers Association and Convenience Stores Association -- to try to allow for passage of voluntary standards for restricting sales of DXM.

SB 951 with its mandates passed the Senate and was sent to the House. We succeeded in the House in getting the bill assigned to the House Judiciary Committee, rather than it being assigned to the House Public Health Committee, chaired by SB 951 author Rep. Dr. Doug Cox. We next succeeded in keeping the bill from being heard in House Judiciary Committee and therefore it died.

- B. HB 1794** by Rep. Don Armes, R-Faxon / Lawton area, and Sen. Ron Justice, R-Chickasha -- Was the proposal from the business / retail community that the DXM Tax Force be continued and encouraged that we continue to seek ways to voluntarily discourage the sales of DXM products.

HB 1794 passed the House and the Senate, but had the Title Removed to make sure that it was sent to Joint House-Senate Conference Committee. In the Conference Committee, the Senate Democrats behind the lead of Senator Laster called for mandatory restrictions to be added to the bill. The Senate Republican Conferees refused to accept mandatory restrictions and so the bill was never signed out of Conference. Since the Session ended with the Conferees being unable to ever agree, HB 1794 remains alive in Conference for possible consideration in 2008.

- 2. SB 1032** by Senator Mary Easley, D-Tulsa and Rep. Dennis Adkins, R-Broken Arrow – Proposed as a bill related to the state Chiropractic law. In the House, it was amended to include language proposed to restrict and limit access to Pharmacies by Pharmacy Benefits Management groups. This PBM language was a request from the Oklahoma Pharmacists Association and came up after the deadline for requesting bills to be introduced. Therefore, rather than having our own bill, we were forced to try to get our language added to another bill.

Rep. Dr. Doug Cox as Chairman of the House Public Health Committee was assisting us in this effort and was responsible for getting our PBM language added into SB 1032. However, there was growing opposition and it began to look like our language was going to be harmful to the possible passage of the Chiropractic language. At the request of Senator Easley and the Chiropractor lobbyist, our PBM language was removed from the bill when it went to conference. With just the Chiropractor language, SB 1032 did finally pass.

We were successful in at least getting the issue presented and raising awareness of the need for addressing the issue.

- 3. HCR 1012** by Rep. Wes Hilliard, D-Sulphur and Senator Susan Paddock, D-Ada -- Was proposed to take the place of the PBM-limiting language that we were not successful in getting passed. This Concurrent Resolution called on the House and Senate to create a Pharmacy Benefits Management Task Force to study the issue during the interim.

HCR 1012 passed the House and was sent to the Senate. However, as we started late on this issue, we missed the “window” for Senate Committee meetings and were forced to wait to possibly hear the legislation during the final days of Session -- when the Senate Health Committee was expected to have additional meetings for Executive Nominations. By the time this rolled around, the groundswell of opposition had increased to the point that we were concerned if we could even pass the Concurrent Resolution. Rather than risk losing the vote on the Concurrent Resolution, we decided to not have it called up.

Related to this issue, Rep. Hilliard and Rep. Dr. Cox together at OPhA’s request have requested an Interim Hearing to discuss the PBM issue.

4. **HB 1991** by Rep. Al McCaffrey, D-OKC and Sen. Tom Adelson, D Tulsa - Proposed allowing for the recycling of unused prescription medications at private medical facilities and county jails. We worked with Rep. McCaffrey on this bill because of our concern that this program needs to be done right and also because of concern for unused prescription drugs being distributed to inmates at county jails when a pharmacist is not present to provide oversight. We were able to get the legislation to the point of being acceptable and withdrew our opposition.

HB 1991 had the title removed early in the process and with the “title off” passed both the House and Senate. However and for whatever reason, Conference was never requested and therefore it died.

5. **SB 666** by Senator Debbe Leftwich, D-OKC -- Proposed allowing the importation of prescription drugs from Canada. This bill was another in the long line of legislative attempts to address the cost of rising prices for Prescription Drugs in the U.S.

In behalf of OPhA, we have continued to present the point of view that we support any attempt at saving money for consumers, but do feel that this issue must be addressed by the Federal Government to have any real impact. There is very little that a single state can do. SB 666 was assigned to the Senate Rules Committee, was not heard and therefore it died.

6. **SB 404** by Senator Tom Adelson, D-Tulsa -- This proposal was virtually identical to SB 666 by Sen. Leftwich that proposed allowing the importation of prescription drugs from Canada. This bill was also assigned to the Senate Rules Committee, was not heard and therefore it died.

7. **HB 1225** by Rep. Chris Benge, R - Tulsa and Sen. Johnnie Crutchfield, D - Ardmore - - Proposed expansion of the OEPIC program -- Oklahoma Employer/Employee Partnership for Insurance Coverage.

The current program provides that Employers providing health care insurance for their eligible employees can qualify for a 60% rebate of paid health insurance premiums. The passage of the expansion of the program means that more employers will be eligible for the rebate and more employees will have the opportunity for obtaining health insurance.

We worked closely with the Oklahoma Hospital Association and other health care providers to help promote the passage of this legislation as a means for providing health insurance for more working Oklahomans and their families.

As passed the 2 major provisions broaden the current Insure Oklahoma program by:

- Increasing the coverage of the program to include employers from the current 50 or fewer employees, to up to 250 employees, and
- Increasing the employee salary threshold from the current 185% or less of the federal poverty level, to up to 250% of the federal poverty level -- or from the current annual salary eligibility of \$38,203 up to \$61,950 annual salary for a family of four.

We were successful in our efforts as HB 1225 was passed and signed by the Governor. Passage of the OEPIC expansion was viewed by many health care provider groups as their most important achievement of the entire session.

8. **SB 424** by Sen. Tom Adelson, D - Tulsa and Dr. Rep. Doug Cox, R - Grove Directs the Oklahoma Health Care Authority to establish a voucher program to provide medical coverage assistance to children, 18 years or younger, whose family incomes are between 185% and 300% of the federal poverty limit.

To be eligible for the program, the child must:

- Be a lawful citizen of Oklahoma;
- Be eligible for the state Medicaid program; and
- Have been without health care insurance coverage for at least 6 months.

This is another bill viewed as an important improvement in providing health care insurance to more citizens who are currently uninsured. We worked with the Health Care provider coalition to help with the passage of this legislation.

9. **SB 507** by Sen. Cliff Branan, R -OKC and Rep. Dan Sullivan, R - Tulsa. We worked closely with the State Chamber of Commerce and other business groups in an effort to pass SB 507 that was considered a pro-business bill that would have limited potential exposure against state businesses. Among major provisions in SB 507 were:

- Caps on non-economic damages of \$300,000;
- Limitations on product liability;
- Class Action lawsuits -- Provide provision for Opt-in rather than the current Opt-out.

Citing problems with some of the bill's goals and the way in which it was written, Governor Henry vetoed the bill. Following the veto, Governor Henry continued to call for more talks and compromises on Tort Reform. However, the Republican Legislative Leadership appeared politically content to allow the Governor to politically stew over the Tort Reform veto and nothing was ever finalized in another bill.

10. **Tax Cuts** -- We worked as part of the business coalition to pass an acceleration of the state personal income tax cuts that were passed in 2006. We were successful, as part of the overall budget agreement provided for this acceleration. The planned reduction

from the high of 6.25% down to 5.25% was to take place by 2010 -- the reduction to 5.25% is now scheduled to take place in 2009. The legislation passed and was signed by the Governor.

- 11. HB 2173** by Rep. Rex Duncan, R-Sand Springs and Senator Glenn Coffee, R-OKC -- Proposed to make state certificate of title law uniform and to allow for electronic communication. As outlined, one of the most notable changes proposed would be that a secured party would receive the title as opposed to the owner under current law.

This bill was another Uniform Commercial Code proposal from the Oklahoma Commissioners on Uniform State Laws -- namely OU Law Professor Fred Miller. We have had years of conflicts with these proposals that have raised serious concerns within the state business community.

This was one of five UCC bills introduced this year. We took the lead in organizing a business coalition to oppose all of these proposals. Our efforts were successful, as none of these bills passed this year.

- 12. HB 1989** by Rep. Richard Morrisette, D-OKC -- Proposed to create the Oklahoma Corporate Citizenship and Economic Prosperity Act. In spite of its name, the goal of the legislation was to obtain access to corporate records- - using the excuse of needing to be able to quantify the amounts of state incentive funding being received by each company.

We took the lead in helping to organize a business coalition to oppose this bill and worked with House Leadership to get it stopped.

Our efforts were successful, as we were able to keep the bill from being heard in the House Appropriations and Budget Committee and therefore it died.

- 13. HJR 1042** by Rep. Ken Miller, R-Edmond -- Was introduced as a vehicle for his efforts to work throughout the Session to develop an "acceptable" **TABOR** taxing and spending legislative package. As originally proposed, the legislation calls for a statewide vote to reduce the current Constitutional 12 percent-plus-inflation cap on annual spending increases by state government to only 6 percent plus inflation.

State business leadership has taken strong opposition to TABOR based on what it has done in Colorado. We took the lead in helping to organize a coalition of business lobbying groups to oppose this legislation. We worked closely with Rep. Miller and House Leadership to convince them to not pursue this legislation. The bill was heard in the House Rules Committee and passed by a vote of 5-4. However, we were successful in our efforts, as Rep. Miller agreed to not have the bill heard on the House Floor and therefore it died.

14. HB 1818 by Rep. Scott Martin, R - Norman and Sen. Debbe Leftwich, D - OKC -- Proposed the creation of the Task Force on Health Care Information Technology. HB 1818 proposed, among other things, studying:

- Strategies for reducing health care costs by decreasing the redundancy of health care services;
- Strategies for the implementation of sharing health data among health care providers and other appropriate entities; and
- Strategies for ensuring patient confidentiality and privacy.

Bill passed the House and Senate, but was sent to Joint House-Senate Conference Committee to work out a final version of the bill. Ultimately Conferees were unable to reach a legislative agreement and so the bill did not pass. However, the bill technically remains alive for possible consideration again next year.

15. SB 555 by Sen. Andrew Rice, D - Oklahoma City Proposed requiring pharmacists to dispense any prescription contraceptive drug or device in stock without delay once supplied with a valid prescription. We have always taken the position that individual Pharmacists should be allowed to make their own decisions about dispensing certain prescriptions. We worked with Legislative Leadership to get this bill sent to Senate Rules Committee. We were then successful in our efforts to keep the bill from being heard and so it died.