

Requested by Representative BUEHLER

**PROPOSED AMENDMENTS TO
HOUSE BILL 2527**

1 On page 1 of the printed bill, delete lines 5 through 31 and delete pages
2 2 through 6 and insert:

3 **“SECTION 1.** ORS 689.005 is amended to read:

4 “689.005. As used in this chapter:

5 “(1) ‘Administer’ means the direct application of a drug or device whether
6 by injection, inhalation, ingestion, or any other means, to the body of a pa-
7 tient or research subject by:

8 “(a) A practitioner or the practitioner’s authorized agent; or

9 “(b) The patient or research subject at the direction of the practitioner.

10 “(2) ‘Approved continuing pharmacy education program’ means those
11 seminars, classes, meetings, workshops and other educational programs on
12 the subject of pharmacy approved by the board.

13 “(3) ‘Board of pharmacy’ or ‘board’ means the State Board of Pharmacy.

14 “(4) ‘Clinical pharmacy agreement’ means an agreement between a
15 pharmacist or pharmacy and a health care organization or a physician as
16 defined in ORS 677.010 that permits the pharmacist to engage in the practice
17 of clinical pharmacy for the benefit of the patients of the health care or-
18 ganization or physician.

19 “(5) ‘Continuing pharmacy education’ means:

20 “(a) Professional, pharmaceutical post-graduate education in the general
21 areas of socio-economic and legal aspects of health care;

1 “(b) The properties and actions of drugs and dosage forms; and
2 “(c) The etiology, characteristics and therapeutics of the disease state.
3 “(6) ‘Continuing pharmacy education unit’ means the unit of measurement
4 of credits for approved continuing education courses and programs.
5 “(7) ‘Deliver’ or ‘delivery’ means the actual, constructive or attempted
6 transfer of a drug or device other than by administration from one person
7 to another, whether or not for a consideration.
8 “(8) ‘Device’ means an instrument, apparatus, implement, machine,
9 contrivance, implant, in vitro reagent or other similar or related article, in-
10 cluding any component part or accessory, which is required under federal
11 or state law to be prescribed by a practitioner and dispensed by a
12 pharmacist.
13 “(9) ‘Dispense’ or ‘dispensing’ means the preparation and delivery of a
14 prescription drug pursuant to a lawful order of a practitioner in a suitable
15 container appropriately labeled for subsequent administration to or use by
16 a patient or other individual entitled to receive the prescription drug.
17 “(10) ‘Distribute’ means the delivery of a drug other than by administer-
18 ing or dispensing.
19 “(11) ‘Drug’ means:
20 “(a) Articles recognized as drugs in the official United States
21 Pharmacopoeia, official National Formulary, official Homeopathic
22 Pharmacopoeia, other drug compendium or any supplement to any of them;
23 “(b) Articles intended for use in the diagnosis, cure, mitigation, treatment
24 or prevention of disease in a human or other animal;
25 “(c) Articles, other than food, intended to affect the structure or any
26 function of the body of humans or other animals; and
27 “(d) Articles intended for use as a component of any articles specified in
28 paragraph (a), (b) or (c) of this subsection.
29 “(12) ‘Drug order’ means a written order, in a hospital or other inpatient
30 care facility, for an ultimate user of any drug or device issued and signed

1 by a practitioner, or an order transmitted by other means of communication
2 from a practitioner, that is immediately reduced to writing by a pharmacist,
3 licensed nurse or other practitioner.

4 “(13) ‘Drug outlet’ means [any] a pharmacy, nursing home, shelter home,
5 convalescent home, extended care facility, drug abuse treatment center, penal
6 institution, hospital, family planning clinic, student health center, retail
7 store, wholesaler, manufacturer, mail-order vendor or other establishment
8 with facilities located within or out of this state that is engaged in dis-
9 pensing, delivery or distribution of drugs within this state.

10 “(14) ‘Drug room’ means a secure and lockable location within an inpa-
11 tient care facility that does not have a licensed pharmacy.

12 “(15) ‘Electronically transmitted’ or ‘electronic transmission’ means a
13 communication sent or received through technological apparatuses, including
14 computer terminals or other equipment or mechanisms linked by telephone
15 or microwave relays, or [any] similar apparatus having electrical, digital,
16 magnetic, wireless, optical, electromagnetic or similar capabilities.

17 “[16] ‘*Hormonal contraceptive patch*’ means a transdermal patch applied
18 to the skin of a patient, by the patient or by a practitioner, that releases a drug
19 composed of a combination of hormones that is approved by the United States
20 Food and Drug Administration to prevent pregnancy.]

21 “(16) **‘Injectable hormonal contraceptive’ means a drug composed**
22 **of a hormone or a combination of hormones that is approved by the**
23 **United States Food and Drug Administration to prevent pregnancy and**
24 **that a health care practitioner administers to the patient by injection.**

25 “(17) ‘Institutional drug outlet’ means hospitals and inpatient care facili-
26 ties where medications are dispensed to another health care professional for
27 administration to patients served by the hospitals or facilities.

28 “(18) ‘Intern’ means a person who is enrolled in or has completed a course
29 of study at a school or college of pharmacy approved by the board and who
30 is licensed with the board as an intern.

1 “(19) ‘Internship’ means a professional experiential program approved by
2 the board under the supervision of a licensed pharmacist registered with the
3 board as a preceptor.

4 “(20) ‘Itinerant vendor’ means a person who sells or distributes
5 nonprescription drugs by passing from house to house, or by haranguing the
6 people on the public streets or in public places, or who uses the customary
7 devices for attracting crowds, recommending their wares and offering them
8 for sale.

9 “(21) ‘Labeling’ means the process of preparing and affixing of a label to
10 any drug container exclusive, however, of the labeling by a manufacturer,
11 packer or distributor of a nonprescription drug or commercially packaged
12 legend drug or device.

13 “(22) ‘Manufacture’ means the production, preparation, propagation, com-
14 pounding, conversion or processing of a device or a drug, either directly or
15 indirectly by extraction from substances of natural origin or independently
16 by means of chemical synthesis or by a combination of extraction and
17 chemical synthesis and includes any packaging or repackaging of the sub-
18 stances or labeling or relabeling of its container, except that this term does
19 not include the preparation or compounding of a drug by an individual for
20 their own use or the preparation, compounding, packaging or labeling of a
21 drug:

22 “(a) By a practitioner as an incident to administering or dispensing of a
23 drug in the course of professional practice; or

24 “(b) By a practitioner or by the practitioner’s authorization under super-
25 vision of the practitioner for the purpose of or as an incident to research,
26 teaching or chemical analysis and not for sale.

27 “(23) ‘Manufacturer’ means a person engaged in the manufacture of drugs.

28 “(24) ‘Nonprescription drug outlet’ means shopkeepers and itinerant ven-
29 dors registered under ORS 689.305.

30 “(25) ‘Nonprescription drugs’ means drugs which may be sold without a

1 prescription and which are prepackaged for use by the consumer and labeled
2 in accordance with the requirements of the statutes and regulations of this
3 state and the federal government.

4 “(26) ‘Person’ means an individual, corporation, partnership, association
5 or [any] other legal entity.

6 “(27) ‘Pharmacist’ means an individual licensed by this state to engage in
7 the practice of pharmacy or to engage in the practice of clinical pharmacy.

8 “(28) ‘Pharmacy’ means a place that meets the requirements of rules of
9 the board, is licensed and approved by the board where the practice of
10 pharmacy may lawfully occur and includes apothecaries, drug stores,
11 dispensaries, hospital outpatient pharmacies, pharmacy departments and
12 prescription laboratories but does not include a place used by a manufacturer
13 or wholesaler.

14 “(29) ‘Pharmacy technician’ means a person licensed by the State Board
15 of Pharmacy who assists the pharmacist in the practice of pharmacy pursu-
16 ant to rules of the board.

17 “(30) ‘Practice of clinical pharmacy’ means:

18 “(a) The health science discipline in which, in conjunction with the
19 patient’s other practitioners, a pharmacist provides patient care to optimize
20 medication therapy and to promote disease prevention and the patient’s
21 health and wellness;

22 “(b) The provision of patient care services, including but not limited to
23 post-diagnostic disease state management services; and

24 “(c) The practice of pharmacy by a pharmacist pursuant to a clinical
25 pharmacy agreement.

26 “(31) ‘Practice of pharmacy’ means:

27 “(a) The interpretation and evaluation of prescription orders;

28 “(b) The compounding, dispensing and labeling of drugs and devices, ex-
29 cept labeling by a manufacturer, packer or distributor of nonprescription
30 drugs and commercially packaged legend drugs and devices;

1 “(c) The prescribing and administering of vaccines and immunizations and
2 the providing of patient care services pursuant to ORS 689.645;

3 “(d) The administering of drugs and devices to the extent permitted under
4 ORS 689.655;

5 “(e) The participation in drug selection and drug utilization reviews;

6 “(f) The proper and safe storage of drugs and devices and the maintenance
7 of proper records [*therefor*] **regarding the safe storage of drugs and de-**
8 **vices;**

9 “(g) The responsibility for advising, where necessary or where regulated,
10 of therapeutic values, content, hazards and use of drugs and devices;

11 “(h) The monitoring of therapeutic response or adverse effect to drug
12 therapy;

13 “(i) The optimizing of drug therapy through the practice of clinical
14 pharmacy;

15 “(j) Patient care services, including medication therapy management and
16 comprehensive medication review;

17 “(k) The offering or performing of those acts, services, operations or
18 transactions necessary in the conduct, operation, management and control
19 of pharmacy; and

20 “(L) **The prescribing and administering of injectable hormonal**
21 **contraceptives and** the prescribing and dispensing of [*hormonal*
22 *contraceptive patches and*] self-administered [*oral*] hormonal contraceptives
23 pursuant to ORS 689.683.

24 “(32) ‘Practitioner’ means a person licensed and operating within the
25 scope of such license to prescribe, dispense, conduct research with respect
26 to or administer drugs in the course of professional practice or research:

27 “(a) In this state; or

28 “(b) In another state or territory of the United States if the person does
29 not reside in Oregon and is registered under the federal Controlled Sub-
30 stances Act.

1 “(33) ‘Preceptor’ means a pharmacist or a person licensed by the board to
2 supervise the internship training of a licensed intern.

3 “(34) ‘Prescription drug’ or ‘legend drug’ means a drug which is:

4 “(a) Required by federal law, prior to being dispensed or delivered, to be
5 labeled with either of the following statements:

6 “(A) ‘Caution: Federal law prohibits dispensing without prescription’; or

7 “(B) ‘Caution: Federal law restricts this drug to use by or on the order
8 of a licensed veterinarian’; or

9 “(b) Required by any applicable federal or state law or regulation to be
10 dispensed on prescription only or is restricted to use by practitioners only.

11 “(35) ‘Prescription’ or ‘prescription drug order’ means a written, oral or
12 electronically transmitted direction, given by a practitioner authorized to
13 prescribe drugs, for the preparation and use of a drug. When the context
14 requires, ‘prescription’ also means the drug prepared under such written, oral
15 or electronically transmitted direction.

16 “(36) ‘Retail drug outlet’ means a place used for the conduct of the retail
17 sale, administering or dispensing or compounding of drugs or chemicals or
18 for the administering or dispensing of prescriptions and licensed by the board
19 as a place [*wherein*] **where** the practice of pharmacy may lawfully occur.

20 “(37) ‘Self-administered [*oral*] hormonal contraceptive’ means a drug com-
21 posed of a **hormone or a** combination of hormones that is approved by the
22 United States Food and Drug Administration to prevent pregnancy and that
23 the patient to whom the drug is prescribed may [*take orally*] **administer to**
24 **oneself. ‘Self-administered hormonal contraceptive’ includes, but is**
25 **not limited to, hormonal contraceptive patches and hormonal**
26 **contraceptive pills.**

27 “(38) ‘Shopkeeper’ means a business or other establishment, open to the
28 general public, for the sale or nonprofit distribution of drugs.

29 “(39) ‘Unit dose’ means a sealed single-unit container so designed that the
30 contents are administered to the patient as a single dose, direct from the

1 container. Each unit dose container must bear a separate label, be labeled
2 with the name and strength of the medication, the name of the manufacturer
3 or distributor, an identifying lot number and, if applicable, the expiration
4 date of the medication.

5 “(40) ‘Wholesale drug outlet’ means [any] a person who imports, stores,
6 distributes or sells for resale [any] drugs, including legend drugs and
7 nonprescription drugs.

8 **“SECTION 2.** ORS 689.683 is amended to read:

9 “689.683. (1) In accordance with rules adopted by the State Board of
10 Pharmacy under ORS 689.205, a pharmacist may **prescribe and administer**
11 **injectable hormonal contraceptives and** prescribe and dispense [*hormonal*
12 *contraceptive patches and*] self-administered [*oral*] hormonal contraceptives
13 to a person who is:

14 “(a) At least 18 years of age, regardless of whether the person has evi-
15 dence of a previous prescription from a primary care practitioner or women’s
16 health care practitioner for **an injectable hormonal contraceptive or a**
17 [*hormonal contraceptive patch or*] self-administered [*oral*] hormonal
18 contraceptive; or

19 “(b) Under 18 years of age, only if the person has evidence of a previous
20 prescription from a primary care practitioner or women’s health care prac-
21 titioner for **an injectable hormonal contraceptive or a** [*hormonal*
22 *contraceptive patch or*] self-administered [*oral*] hormonal contraceptive.

23 “(2)(a) The board shall adopt rules to establish, in consultation with the
24 Oregon Medical Board, the Oregon State Board of Nursing and the Oregon
25 Health Authority, and in consideration of guidelines established by the
26 American Congress of Obstetricians and Gynecologists, standard procedures
27 for the prescribing of [*hormonal contraceptive patches and*] **injectable**
28 **hormonal contraceptives and** self-administered [*oral*] hormonal
29 contraceptives by pharmacists.

30 “(b) The rules adopted under this subsection must require a pharmacist

1 to:

2 “(A) Complete a training program approved by the State Board of Phar-
3 macy that is related to prescribing [*hormonal contraceptive patches and*]
4 **injectable hormonal contraceptives and** self-administered [*oral*] hormonal
5 contraceptives;

6 “(B) Provide a self-screening risk assessment tool that the patient must
7 use prior to the pharmacist’s prescribing the [*hormonal contraceptive patch*
8 *or*] **injectable hormonal contraceptive or** self-administered [*oral*] hormonal
9 contraceptive;

10 “(C) Refer the patient to the patient’s primary care practitioner or
11 women’s health care practitioner upon prescribing **and administering the**
12 **injectable hormonal contraceptive or prescribing** and dispensing the
13 [*hormonal contraceptive patch or*] self-administered [*oral*] hormonal
14 contraceptive;

15 “(D) Provide the patient with a written record of the [*hormonal*
16 *contraceptive patch or*] **injectable hormonal contraceptive prescribed and**
17 **administered or the** self-administered [*oral*] hormonal contraceptive pre-
18 scribed and dispensed and advise the patient to consult with a primary care
19 practitioner or women’s health care practitioner; and

20 “(E) **Administer the injectable hormonal contraceptive or** dispense
21 the [*hormonal contraceptive patch or*] self-administered [*oral*] hormonal
22 contraceptive to the patient as soon as practicable after the pharmacist is-
23 sues the prescription.

24 “(c) The rules adopted under this subsection must prohibit a pharmacist
25 from:

26 “(A) Requiring a patient to schedule an appointment with the pharmacist
27 for the prescribing **or administering of an injectable hormonal**
28 **contraceptive or the prescribing** or dispensing of a [*hormonal contraceptive*
29 *patch or*] self-administered [*oral*] hormonal contraceptive; and

30 “(B) Prescribing **and administering an injectable hormonal**

1 **contraceptive or prescribing** and dispensing a [*hormonal contraceptive*
2 *patch or*] self-administered [*oral*] hormonal contraceptive to a patient who
3 does not have evidence of a clinical visit for women’s health within the three
4 years immediately following the initial prescription **and administration of**
5 **an injectable hormonal contraceptive or the initial prescription** and
6 dispensation of a [*hormonal contraceptive patch or*] self-administered [*oral*]
7 hormonal contraceptive by a pharmacist to the patient.

8 “(3) All state and federal laws governing insurance coverage of
9 contraceptive drugs, devices, products and services shall apply to [*hormonal*
10 *contraceptive patches and*] **injectable hormonal contraceptives and** self-
11 administered [*oral*] hormonal contraceptives prescribed by a pharmacist un-
12 der this section.

13 **“SECTION 3.** ORS 689.683, as amended by section 3, chapter 649, Oregon
14 Laws 2015, is amended to read:

15 “689.683. (1) In accordance with rules adopted by the State Board of
16 Pharmacy under ORS 689.205, a pharmacist may **prescribe and administer**
17 **injectable hormonal contraceptives and** prescribe and dispense [*hormonal*
18 *contraceptive patches and*] self-administered [*oral*] hormonal contraceptives.

19 “(2)(a) The board shall adopt rules to establish, in consultation with the
20 Oregon Medical Board, the Oregon State Board of Nursing and the Oregon
21 Health Authority, and in consideration of guidelines established by the
22 American Congress of Obstetricians and Gynecologists, standard procedures
23 for the prescribing of [*hormonal contraceptive patches and*] **injectable**
24 **hormonal contraceptives and** self-administered [*oral*] hormonal
25 contraceptives by pharmacists.

26 “(b) The rules adopted under this subsection must require a pharmacist
27 to:

28 “(A) Complete a training program approved by the State Board of Phar-
29 macy that is related to prescribing [*hormonal contraceptive patches and*]
30 **injectable hormonal contraceptives and** self-administered [*oral*] hormonal

1 contraceptives;

2 “(B) Provide a self-screening risk assessment tool that the patient must
3 use prior to the pharmacist’s prescribing the [*hormonal contraceptive patch*
4 *or*] **injectable hormonal contraceptive or** self-administered [*oral*] hormonal
5 contraceptive;

6 “(C) Refer the patient to the patient’s primary care practitioner or
7 women’s health care practitioner upon prescribing **and administering the**
8 **injectable hormonal contraceptive or prescribing** and dispensing the
9 [*hormonal contraceptive patch or*] self-administered [*oral*] hormonal
10 contraceptive;

11 “(D) Provide the patient with a written record of the [*hormonal*
12 *contraceptive patch or*] **injectable hormonal contraceptive prescribed and**
13 **administered or the** self-administered [*oral*] hormonal contraceptive pre-
14 scribed and dispensed and advise the patient to consult with a primary care
15 practitioner or women’s health care practitioner; and

16 “(E) **Administer the injectable hormonal contraceptive or** dispense
17 the [*hormonal contraceptive patch or*] self-administered [*oral*] hormonal
18 contraceptive to the patient as soon as practicable after the pharmacist is-
19 sues the prescription.

20 “(c) The rules adopted under this subsection must prohibit a pharmacist
21 from:

22 “(A) Requiring a patient to schedule an appointment with the pharmacist
23 for the prescribing **or administering of an injectable hormonal**
24 **contraceptive or the prescribing** or dispensing of a [*hormonal contraceptive*
25 *patch or*] self-administered [*oral*] hormonal contraceptive; and

26 “(B) Prescribing **and administering an injectable hormonal**
27 **contraceptive or prescribing** and dispensing a [*hormonal contraceptive*
28 *patch or*] self-administered [*oral*] hormonal contraceptive to a patient who
29 does not have evidence of a clinical visit for women’s health within the three
30 years immediately following the initial prescription **and administration of**

1 **an injectable hormonal contraceptive or the initial prescription** and
2 dispensation of a [*hormonal contraceptive patch or*] self-administered [*oral*]
3 hormonal contraceptive by a pharmacist to the patient.

4 “(3) All state and federal laws governing insurance coverage of
5 contraceptive drugs, devices, products and services shall apply to [*hormonal*
6 *contraceptive patches and*] **injectable hormonal contraceptives and** self-
7 administered [*oral*] hormonal contraceptives prescribed by a pharmacist un-
8 der this section.

9 **“SECTION 4. (1) The amendments to ORS 689.005 and 689.683 by**
10 **sections 1 to 3 of this 2017 Act become operative on January 1, 2018.**

11 **“(2) The State Board of Pharmacy may take any action before the**
12 **operative date specified in subsection (1) of this section that is neces-**
13 **sary to enable the board to exercise, on or after the operative date**
14 **specified in subsection (1) of this section, all of the duties, functions**
15 **and powers conferred on the board by the amendments to ORS 689.005**
16 **and 689.683 by sections 1 to 3 of this 2017 Act.**

17 **“SECTION 5. This 2017 Act being necessary for the immediate**
18 **preservation of the public peace, health and safety, an emergency is**
19 **declared to exist, and this 2017 Act takes effect on its passage.”.**

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