

Requested by SENATE COMMITTEE ON HEALTH CARE

**PROPOSED AMENDMENTS TO  
SENATE BILL 1529**

1 On page 1 of the printed bill, line 2, after “care;” delete the rest of the  
2 line and insert “creating new provisions; amending ORS 401.651, 401.654,  
3 401.655, 401.661, 401.667, 431A.015, 689.005, 689.225 and 807.750 and section 5,  
4 chapter 526, Oregon Laws 2019; and declaring an emergency.”.

5 Delete lines 4 through 30 and delete pages 2 and 3 and insert:  
6

7 **“PHARMACY**  
8

9 **“SECTION 1. Section 2 of this 2022 Act is added to and made a part**  
10 **of ORS chapter 689.**

11 **“SECTION 2. (1) As used in this section, ‘final verification’ means,**  
12 **after the prescription information is entered into a pharmacy’s elec-**  
13 **tronic system and reviewed by a pharmacist for accuracy, a physical**  
14 **verification that the drug and drug dosage, device or product selected**  
15 **from a pharmacy’s inventory pursuant to the electronic system entry**  
16 **is the prescribed drug and drug dosage, device or product.**

17 **“(2) A pharmacist may delegate, and a pharmacy technician may**  
18 **perform under the supervision of the pharmacist, final verification. In**  
19 **delegating final verification under this section, a pharmacist shall use**  
20 **the pharmacist’s reasonable professional judgment and shall ensure**  
21 **that the final verification does not require the exercise of discretion**

1 **by the pharmacy technician.**

2 **“(3) The State Board of Pharmacy may adopt rules to carry out this**  
3 **section. In adopting rules under this section, the board may not im-**  
4 **pose standards or requirements stricter than those specified in this**  
5 **section.**

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

7 “689.005. As used in this chapter:

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

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

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

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

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

17 “(4) ‘Clinical pharmacy agreement’ means an agreement between a  
18 pharmacist or pharmacy and a health care organization or a physician as  
19 defined in ORS 677.010 or a naturopathic physician as defined in ORS 685.010  
20 that permits the pharmacist to engage in the practice of clinical pharmacy  
21 for the benefit of the patients of the health care organization, physician or  
22 naturopathic physician.

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

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

26 “(b) The properties and actions of drugs and dosage forms; and

27 “(c) The etiology, characteristics and therapeutics of the disease state.

28 “(6) ‘Continuing pharmacy education unit’ means the unit of measurement  
29 of credits for approved continuing education courses and programs.

30 “(7) ‘Deliver’ or ‘delivery’ means the actual, constructive or attempted

1 transfer of a drug or device other than by administration from one person  
2 to another, whether or not for a consideration.

3 “(8) ‘Device’ means an instrument, apparatus, implement, machine,  
4 contrivance, implant, in vitro reagent or other similar or related article, in-  
5 cluding any component part or accessory, which is required under federal  
6 or state law to be prescribed by a practitioner and dispensed by a  
7 pharmacist.

8 “(9) ‘Dispense’ or ‘dispensing’ means the preparation and delivery of a  
9 prescription drug pursuant to a lawful order of a practitioner in a suitable  
10 container appropriately labeled for subsequent administration to or use by  
11 a patient or other individual entitled to receive the prescription drug.

12 “(10) ‘Distribute’ means the delivery of a drug other than by administer-  
13 ing or dispensing.

14 “(11) ‘Drug’ means:

15 “(a) Articles recognized as drugs in the official United States  
16 Pharmacopoeia, official National Formulary, official Homeopathic  
17 Pharmacopoeia, other drug compendium or any supplement to any of them;

18 “(b) Articles intended for use in the diagnosis, cure, mitigation, treatment  
19 or prevention of disease in a human or other animal;

20 “(c) Articles, other than food, intended to affect the structure or any  
21 function of the body of humans or other animals; and

22 “(d) Articles intended for use as a component of any articles specified in  
23 paragraph (a), (b) or (c) of this subsection.

24 “(12) ‘Drug order’ means a written order, in a hospital or other inpatient  
25 care facility, for an ultimate user of any drug or device issued and signed  
26 by a practitioner, or an order transmitted by other means of communication  
27 from a practitioner, that is immediately reduced to writing by a pharmacist,  
28 licensed nurse or other practitioner.

29 “(13) ‘Drug outlet’ means a pharmacy, nursing home, shelter home,  
30 convalescent home, extended care facility, drug abuse treatment center, penal

1 institution, hospital, family planning clinic, student health center, retail  
2 store, wholesaler, manufacturer, mail-order vendor or other establishment  
3 with facilities located within or out of this state that is engaged in dis-  
4 pensing, delivery or distribution of drugs within this state.

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

7 “(15) ‘Electronically transmitted’ or ‘electronic transmission’ means a  
8 communication sent or received through technological apparatuses, including  
9 computer terminals or other equipment or mechanisms linked by telephone  
10 or microwave relays, or similar apparatus having electrical, digital, mag-  
11 netic, wireless, optical, electromagnetic or similar capabilities.

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

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

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

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

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

30 “(21) ‘Labeling’ means the process of preparing and affixing of a label to

1 any drug container exclusive, however, of the labeling by a manufacturer,  
2 packer or distributor of a nonprescription drug or commercially packaged  
3 legend drug or device.

4 “(22) ‘Manufacture’ means the production, preparation, propagation, com-  
5 pounding, conversion or processing of a device or a drug, either directly or  
6 indirectly by extraction from substances of natural origin or independently  
7 by means of chemical synthesis or by a combination of extraction and  
8 chemical synthesis and includes any packaging or repackaging of the sub-  
9 stances or labeling or relabeling of its container, except that this term does  
10 not include the preparation or compounding of a drug by an individual for  
11 their own use or the preparation, compounding, packaging or labeling of a  
12 drug:

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

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

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

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

21 “(25) ‘Nonprescription drugs’ means drugs which may be sold without a  
22 prescription and which are prepackaged for use by the consumer and labeled  
23 in accordance with the requirements of the statutes and regulations of this  
24 state and the federal government.

25 “(26) ‘Person’ means an individual, corporation, partnership, association  
26 or other legal entity.

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

29 “(28) ‘Pharmacy’ means a place that meets the requirements of rules of  
30 the board, is licensed and approved by the board where the practice of

1 pharmacy may lawfully occur and includes apothecaries, drug stores,  
2 dispensaries, hospital outpatient pharmacies, pharmacy departments and  
3 prescription laboratories but does not include a place used by a manufacturer  
4 or wholesaler.

5 “(29) ‘Pharmacy technician’ means a person licensed by the State Board  
6 of Pharmacy who assists [*the pharmacist*] in the practice of pharmacy pur-  
7 suant to rules of the board.

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

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

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

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

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

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

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

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

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

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

27 “(f) The proper and safe storage of drugs and devices and the maintenance  
28 of proper records regarding the safe storage of drugs and devices;

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

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

3 “(i) The optimizing of drug therapy through the practice of clinical  
4 pharmacy;

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

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

10 “(L) The prescribing and administering of injectable hormonal  
11 contraceptives and the prescribing and dispensing of self-administered  
12 hormonal contraceptives pursuant to ORS 689.689;

13 “(m) The prescribing and dispensing of emergency refills of insulin and  
14 associated insulin-related devices and supplies pursuant to ORS 689.696;  
15 [*and*]

16 “(n) The prescribing, dispensing and administering of preexposure  
17 prophylactic antiretroviral therapies and post-exposure prophylactic  
18 antiretroviral therapies, pursuant to ORS 689.704 and rules adopted by the  
19 board under ORS 689.645 and 689.704[.]; **and**

20 **“(o) The delegation of tasks to other health care providers who are**  
21 **appropriately trained and authorized to perform the delegated tasks.**

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

25 “(a) In this state; or

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

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

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

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

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

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

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

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

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

18 “(37) ‘Self-administered hormonal contraceptive’ means a drug composed  
19 of a hormone or a combination of hormones that is approved by the United  
20 States Food and Drug Administration to prevent pregnancy and that the  
21 patient to whom the drug is prescribed may administer to oneself. ‘Self-  
22 administered hormonal contraceptive’ includes, but is not limited to,  
23 hormonal contraceptive patches and hormonal contraceptive pills.

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

26 “(39) ‘Unit dose’ means a sealed single-unit container so designed that the  
27 contents are administered to the patient as a single dose, direct from the  
28 container. Each unit dose container must bear a separate label, be labeled  
29 with the name and strength of the medication, the name of the manufacturer  
30 or distributor, an identifying lot number and, if applicable, the expiration



1 date of the medication.

2 “(40) ‘Wholesale drug outlet’ means a person who imports, stores, dis-  
3 tributes or sells for resale drugs, including legend drugs and nonprescription  
4 drugs.

5 “**SECTION 4.** ORS 689.225 is amended to read:

6 “689.225. (1) A person may not engage in the practice of pharmacy unless  
7 the person is licensed under this chapter. Nothing in this section prevents  
8 physicians, dentists, veterinarians or other practitioners of the healing arts  
9 who are licensed under the laws of this state from dispensing and adminis-  
10 tering prescription drugs to their patients in the practice of their respective  
11 professions where specifically authorized to do so by law of this state.

12 “(2) A person may not take, use or exhibit the title of pharmacist or the  
13 title of druggist or apothecary, or any other title or description of like im-  
14 port unless the person is licensed to practice pharmacy under this chapter.

15 “(3) A pharmacist may not possess personally or store drugs other than  
16 in a licensed pharmacy except for those drugs legally prescribed for the  
17 personal use of the pharmacist or when the pharmacist possesses or stores  
18 the drugs in the usual course of business and within the pharmacist’s scope  
19 of practice. An employee, agent or owner of any registered manufacturer,  
20 wholesaler or pharmacy may lawfully possess legend drugs if the person is  
21 acting in the usual course of the business or employment of the person.

22 “(4) The State Board of Pharmacy shall adopt rules relating to the use  
23 of pharmacy technicians [*working under the supervision, direction and control*  
24 *of a pharmacist*]. For retail and institutional drug outlets, the board shall  
25 adopt rules [*which*] **that** include requirements for training, including pro-  
26 visions for appropriate on-the-job training, guidelines for adequate super-  
27 vision, standards and appropriate ratios for the use of pharmacy technicians.  
28 Improper use of pharmacy technicians is subject to the reporting require-  
29 ments of ORS 689.455.

30 “(5) The mixing of intravenous admixtures by pharmacy technicians

1 working under the supervision, direction and control of a pharmacist is au-  
2 thorized and does not constitute the practice of pharmacy by the pharmacy  
3 technicians.

4 “(6) Any person who is found to have unlawfully engaged in the practice  
5 of pharmacy is guilty of a Class A misdemeanor.

6

7

## “PSEUDOEPHEDRINE

8

9 **“SECTION 5.** ORS 807.750 is amended to read:

10 “807.750. (1) As used in this section:

11 “(a) ‘Driver license’ means a license or permit issued by this state or any  
12 other jurisdiction as evidence of a grant of driving privileges.

13 “(b) ‘Financial institution’ has the meaning given that term in ORS  
14 706.008.

15 “(c) ‘Identification card’ means the card issued under ORS 807.400 or a  
16 comparable provision in another state.

17 “(d) ‘Personal information’ means an individual’s name, address, date of  
18 birth, photograph, fingerprint, biometric data, driver license number, iden-  
19 tification card number or any other unique personal identifier or number.

20 “(e) ‘Private entity’ means any nongovernmental entity, such as a corpo-  
21 ration, partnership, company or nonprofit organization, any other legal en-  
22 tity or any natural person.

23 “(f) ‘Swipe’ means the act of passing a driver license or identification card  
24 through a device that is capable of deciphering, in an electronically readable  
25 format, the information electronically encoded in a magnetic strip or bar  
26 code on the driver license or identification card.

27 “(2) Except as provided in subsection (6) of this section, a private entity  
28 may not swipe an individual’s driver license or identification card, except for  
29 the following purposes:

30 “(a) To verify the authenticity of a driver license or identification card

1 or to verify the identity of the individual if the individual pays for a good  
2 or service with a method other than cash, returns an item or requests a re-  
3 fund.

4 “(b) To verify the individual’s age when providing an age-restricted good  
5 or service to any person about whom there is any reasonable doubt of the  
6 person’s having reached 21 years of age.

7 “(c) To prevent fraud or other criminal activity if an individual returns  
8 an item or requests a refund and the private entity uses a fraud prevention  
9 service company or system.

10 “(d) To transmit information to a check services company for the purpose  
11 of approving negotiable instruments, electronic funds transfers or similar  
12 methods of payment.

13 “(e) To collect information about the individual for the purpose of pro-  
14 cessing an application for a deposit account or loan for the individual, if the  
15 private entity is a financial institution.

16 **“(f) To allow a pharmacist or pharmacy technician to transmit in-**  
17 **formation to the electronic system described in ORS 475.230 (6) for the**  
18 **purpose of transferring a drug containing pseudoephedrine or**  
19 **ephedrine or a salt, isomer or salt of an isomer of pseudoephedrine or**  
20 **ephedrine to a person 18 years of age or older.**

21 “(3) A private entity that swipes an individual’s driver license or iden-  
22 tification card under subsection (2)(a) or (b) of this section may not store,  
23 sell or share personal information collected from swiping the driver license  
24 or identification card.

25 “(4) A private entity that swipes an individual’s driver license or iden-  
26 tification card under subsection (2)(c) or (d) of this section may store or  
27 share the following information collected from swiping an individual’s driver  
28 license or identification card for the purpose of preventing fraud or other  
29 criminal activity against the private entity:

30 “(a) Name;

1       “(b) Address;

2       “(c) Date of birth; and

3       “(d) Driver license number or identification card number.

4       “(5)(a) A person other than an entity regulated by the federal Fair Credit  
5 Reporting Act, 15 U.S.C. 1681 et seq., who receives personal information from  
6 a private entity under subsection (4) of this section may use the personal  
7 information received only to prevent fraud or other criminal activity against  
8 the private entity that provided the personal information.

9       “(b) A person who is regulated by the federal Fair Credit Reporting Act  
10 and who receives personal information from a private entity under sub-  
11 section (4) of this section may use or provide the personal information re-  
12 ceived only to effect, administer or enforce a transaction or prevent fraud  
13 or other criminal activity, if the person provides or receives personal infor-  
14 mation under contract from the private entity.

15       “(6)(a) Subject to the provisions of this subsection, a private entity that  
16 is a commercial radio service provider that provides service nationally and  
17 that is subject to the Telephone Records and Privacy Protection Act of 2006  
18 (18 U.S.C. 1039) may swipe an individual’s driver license or identification  
19 card if the entity obtains permission from the individual to swipe the  
20 individual’s driver license or identification card.

21       “(b) The private entity may swipe the individual’s driver license or iden-  
22 tification card only for the purpose of establishing or maintaining a contract  
23 between the private entity and the individual. Information collected by  
24 swiping an individual’s driver license or identification card for the estab-  
25 lishment or maintenance of a contract shall be limited to the following in-  
26 formation from the individual:

27       “(A) Name;

28       “(B) Address;

29       “(C) Date of birth; and

30       “(D) Driver license number or identification card number.

1 “(c) If the individual does not want the private entity to swipe the  
2 individual’s driver license or identification card, the private entity may  
3 manually collect the following information from the individual:

4 “(A) Name;

5 “(B) Address;

6 “(C) Date of birth; and

7 “(D) Driver license number or identification card number.

8 “(d) The private entity may not withhold the provision of goods or ser-  
9 vices solely as a result of the individual requesting the collection of the  
10 following information from the individual through manual means:

11 “(A) Name;

12 “(B) Address;

13 “(C) Date of birth; and

14 “(D) Driver license number or identification card number.

15 “(7) A governmental entity may swipe an individual’s driver license or  
16 identification card only if:

17 “(a) The individual knowingly makes the driver license or identification  
18 card available to the governmental entity;

19 “(b) The governmental entity lawfully confiscates the driver license or  
20 identification card;

21 “(c) The governmental entity is providing emergency assistance to the  
22 individual who is unconscious or otherwise unable to make the driver license  
23 or identification card available; or

24 “(d) A court rule requires swiping of the driver license or identification  
25 card to facilitate accurate linking of court records pertaining to the indi-  
26 vidual.

27 “(8) In addition to any other remedy provided by law, an individual may  
28 bring an action to recover actual damages or \$1,000, whichever is greater,  
29 and to obtain equitable relief, if equitable relief is available, against an en-  
30 tity that swipes, stores, shares, sells or otherwise uses the individual’s per-

1 sonal information in violation of this section. A court shall award a  
2 prevailing plaintiff reasonable costs and attorney fees. If a court finds that  
3 a violation of this section was willful or knowing, the court may increase  
4 the amount of the award to no more than three times the amount otherwise  
5 available.

6 “(9) Any waiver of a provision of this section is contrary to public policy  
7 and is void and unenforceable.

8

9 **“HEALTH CARE EMERGENCIES**

10

11 **“SECTION 6.** ORS 401.651 is amended to read:

12 “401.651. As used in ORS 401.651 to 401.670:

13 **“(1) ‘Health care emergency’ means:**

14 **“(a) A state of emergency declared under ORS 401.165;**

15 **“(b) A state of public health emergency declared under ORS 433.441;**

16 **or**

17 **“(c) A determination by the Public Health Director that there exists**  
18 **a disease outbreak, epidemic or other condition of public health im-**  
19 **portance statewide or in a specified geographic area of this state.**

20 “[1] **(2) ‘Health care facility’** means a health care facility as defined in  
21 ORS 442.015 that has been licensed under ORS chapter 441.

22 “[2] **(3) ‘Health care provider’** means:

23 **“(a) An individual licensed, certified or otherwise authorized or permitted**  
24 **by the laws of this state or another state to administer health care services**  
25 **in the ordinary course of business or practice of a profession; and**

26 **“(b) A person entered in the emergency health care provider registry un-**  
27 **der ORS 401.658.**

28 “[3] **(4) ‘Health professional regulatory board’** means a health profes-  
29 **sional regulatory board, as defined in ORS 676.160, the Long Term Care Ad-**  
30 **ministrators Board, the Board of Licensed Dietitians and the Behavior**

1 Analysis Regulatory Board.

2 **“SECTION 7.** ORS 401.654, as operative until July 1, 2022, is amended to  
3 read:

4 “401.654. (1) The Oregon Health Authority may establish an emergency  
5 health care provider registry that includes emergency health care providers  
6 who are available to provide health care services during [*an emergency or*  
7 *crisis*] **a health care emergency.** As a condition of inclusion in the regis-  
8 try, the authority may require:

9 “(a) Training related to the provision of health care services in [*an*  
10 *emergency or crisis*] **a health care emergency** as a condition of registration;  
11 and

12 “(b) Criminal background checks for applicants and persons who have  
13 been registered.

14 “(2) The authority shall issue identification cards to health care providers  
15 entered in the emergency health care provider registry established under this  
16 section that:

17 “(a) Identify the health care provider;

18 “(b) Indicate that the health care provider is registered as an Oregon  
19 emergency health care provider;

20 “(c) Identify the license or certification held by the health care provider,  
21 or previously held by the health care provider if the health care provider is  
22 entered in the emergency health care provider registry under ORS 401.658;  
23 and

24 “(d) Identify the health care provider’s usual area of practice, and the  
25 types of health care that the health care provider is authorized to provide,  
26 if that information is available and the authority determines that it is ap-  
27 appropriate to provide that information.

28 “(3) The authority by rule shall establish a form for identification cards  
29 issued under subsection (2) of this section.

30 “(4) The authority shall support and provide assistance to the Office of

1 Emergency Management in emergencies or crises involving the public health  
2 or requiring emergency medical response.

3 “(5) The authority may enter into agreements with other states to facili-  
4 tate the registry of out-of-state health care providers in the emergency health  
5 care provider registry established under this section.

6 “**SECTION 8.** ORS 401.654 is amended to read:

7 “401.654. (1) The Oregon Health Authority may establish an emergency  
8 health care provider registry that includes emergency health care providers  
9 who are available to provide health care services during [*an*] **a health care**  
10 emergency [*or crisis*]. As a condition of inclusion in the registry, the au-  
11 thority may require:

12 “(a) Training related to the provision of health care services in [*an*  
13 *emergency or crisis*] **a health care emergency** as a condition of registration;  
14 and

15 “(b) Criminal background checks for applicants and persons who have  
16 been registered.

17 “(2) The authority shall issue identification cards to health care providers  
18 entered in the emergency health care provider registry established under this  
19 section that:

20 “(a) Identify the health care provider;

21 “(b) Indicate that the health care provider is registered as an Oregon  
22 emergency health care provider;

23 “(c) Identify the license or certification held by the health care provider,  
24 or previously held by the health care provider if the health care provider is  
25 entered in the emergency health care provider registry under ORS 401.658;  
26 and

27 “(d) Identify the health care provider’s usual area of practice, and the  
28 types of health care that the health care provider is authorized to provide,  
29 if that information is available and the authority determines that it is ap-  
30 propriate to provide that information.



1 “(3) The authority by rule shall establish a form for identification cards  
2 issued under subsection (2) of this section.

3 “(4) The authority shall support and provide assistance to the Oregon  
4 Department of Emergency Management in emergencies or crises involving  
5 the public health or requiring emergency medical response.

6 “(5) The authority may enter into agreements with other states to facili-  
7 tate the registry of out-of-state health care providers in the emergency health  
8 care provider registry established under this section.

9 “**SECTION 9.** ORS 401.655, as operative until July 1, 2022, is amended to  
10 read:

11 “401.655. [*During a state of emergency declared under ORS 401.165 or a*  
12 *state of public health emergency proclaimed under ORS 433.441,*] **During a**  
13 **health care emergency**, a health care provider who is licensed, certified  
14 or otherwise authorized or permitted by the laws of another state to admin-  
15 ister health care services and who is registered under ORS 401.654 may ad-  
16 minister health care services in this state as if the health care provider were  
17 licensed in this state.

18 “**SECTION 10.** ORS 401.655 is amended to read:

19 “401.655. [*During a state of emergency declared under ORS 401.165 or a*  
20 *state of public health emergency declared under ORS 433.441,*] **During a**  
21 **health care emergency**, a health care provider who is licensed, certified  
22 or otherwise authorized or permitted by the laws of another state to admin-  
23 ister health care services and who is registered under ORS 401.654 may ad-  
24 minister health care services in this state as if the health care provider were  
25 licensed in this state.

26 “**SECTION 11.** ORS 401.661, as operative until July 1, 2022, is amended  
27 to read:

28 “401.661. [*If the Governor declares a state of emergency under ORS 401.165*  
29 *or proclaims a state of public health emergency under ORS 433.441:]*

30 “**During a health care emergency:**

1 “(1) The Oregon Health Authority, in conjunction with the Department  
2 of Human Services for facilities licensed by the department, may direct  
3 emergency health care providers registered under ORS 401.654 who are will-  
4 ing to provide health care services to proceed to any place in this state  
5 where health care services are required by reason of the **health care** emer-  
6 gency [*or crisis*];].

7 “(2) Pursuant to the Emergency Management Assistance Compact and the  
8 Pacific Northwest Emergency Management Arrangement, the Oregon Health  
9 Authority may direct emergency health care providers registered under ORS  
10 401.654 who are willing to provide health care services in another state to  
11 proceed to another state where emergency health care services are required  
12 by reason of an emergency in that state[; *and*].

13 “(3) Any emergency health care provider registered under ORS 401.654 or  
14 other health care provider may volunteer to perform health care services  
15 described in ORS 401.657 at any emergency health care center or health care  
16 facility in the manner provided by ORS 401.664.

17 **“SECTION 12.** ORS 401.661 is amended to read:

18 “401.661. [*If the Governor declares a state of emergency under ORS 401.165*  
19 *or declares a state of public health emergency under ORS 433.441:*]

20 **“During a health care emergency:**

21 “(1) The Oregon Health Authority, in conjunction with the Department  
22 of Human Services for facilities licensed by the department, may direct  
23 emergency health care providers registered under ORS 401.654 who are will-  
24 ing to provide health care services to proceed to any place in this state  
25 where health care services are required by reason of the **health care** emer-  
26 gency [*or crisis*];].

27 “(2) Pursuant to the Emergency Management Assistance Compact and the  
28 Pacific Northwest Emergency Management Arrangement, the Oregon Health  
29 Authority may direct emergency health care providers registered under ORS  
30 401.654 who are willing to provide health care services in another state to

1 proceed to another state where emergency health care services are required  
2 by reason of an emergency in that state[; *and*].

3 “(3) Any emergency health care provider registered under ORS 401.654 or  
4 other health care provider may volunteer to perform health care services  
5 described in ORS 401.657 at any emergency health care center or health care  
6 facility in the manner provided by ORS 401.664.

7 **“SECTION 13.** ORS 401.667, as operative until July 1, 2022, is amended  
8 to read:

9 “401.667. (1) *[If the Governor declares a state of emergency under ORS*  
10 *401.165, or proclaims a state of public health emergency under ORS 433.441,]*  
11 **During a health care emergency,** emergency health care providers regis-  
12 tered under ORS 401.654 and other health care providers who volunteer to  
13 perform health care services under ORS 401.651 to 401.670 are agents of the  
14 state under ORS 30.260 to 30.300 for the purposes of any claims arising out  
15 of services that are provided under ORS 401.651 to 401.670 pursuant to di-  
16 rections from a public body and that are within the course and scope of the  
17 health care provider’s duties, without regard to whether the health care  
18 provider is compensated for the services.

19 “(2) *[If the Governor declares a state of emergency under ORS 401.165, or*  
20 *proclaims a state of public health emergency under ORS 433.441,]* **During a**  
21 **health care emergency,** health care facilities designated under ORS 401.657  
22 and other persons operating emergency health care centers designated under  
23 ORS 401.657 are agents of the state under ORS 30.260 to 30.300 for the pur-  
24 poses of any claims arising out of services that are provided through those  
25 centers or facilities under ORS 401.651 to 401.670 pursuant to directions from  
26 a public body and that are within the course and scope of the duties of the  
27 health care facility or other person, without regard to whether the health  
28 care facility or other person is compensated for the services.

29 “(3) An emergency health care provider registered under ORS 401.654  
30 participating in training authorized by the Oregon Health Authority under

1 ORS 401.651 to 401.670 is an agent of the state under ORS 30.260 to 30.300  
2 for the purposes of any claims arising out of that training.

3 “(4) The provisions of subsection (2) of this section apply only to emer-  
4 gency health care centers or health care facilities that have adopted emer-  
5 gency operations plans and credentialing plans that govern the use of  
6 emergency health care providers registered under ORS 401.654 and other  
7 health care providers who volunteer to perform health care services under  
8 ORS 401.651 to 401.670. An emergency operations plan and a credentialing  
9 plan must comply with rules governing those plans adopted by the authority.

10 **“SECTION 14.** ORS 401.667 is amended to read:

11 “401.667. (1) *[If the Governor declares a state of emergency under ORS*  
12 *401.165, or declares a state of public health emergency under ORS 433.441]*

13 **During a health care emergency,** emergency health care providers regis-  
14 tered under ORS 401.654 and other health care providers who volunteer to  
15 perform health care services under ORS 401.651 to 401.670 are agents of the  
16 state under ORS 30.260 to 30.300 for the purposes of any claims arising out  
17 of services that are provided under ORS 401.651 to 401.670 pursuant to di-  
18 rections from a public body and that are within the course and scope of the  
19 health care provider’s duties, without regard to whether the health care  
20 provider is compensated for the services.

21 “(2) *[If the Governor declares a state of emergency under ORS 401.165, or*  
22 *declares a state of public health emergency under ORS 433.441]* **During a**

23 **health care emergency,** health care facilities designated under ORS 401.657  
24 and other persons operating emergency health care centers designated under  
25 ORS 401.657 are agents of the state under ORS 30.260 to 30.300 for the pur-  
26 poses of any claims arising out of services that are provided through those  
27 centers or facilities under ORS 401.651 to 401.670 pursuant to directions from  
28 a public body and that are within the course and scope of the duties of the  
29 health care facility or other person, without regard to whether the health  
30 care facility or other person is compensated for the services.

1 “(3) An emergency health care provider registered under ORS 401.654  
2 participating in training authorized by the Oregon Health Authority under  
3 ORS 401.651 to 401.670 is an agent of the state under ORS 30.260 to 30.300  
4 for the purposes of any claims arising out of that training.

5 “(4) The provisions of subsection (2) of this section apply only to emer-  
6 gency health care centers or health care facilities that have adopted emer-  
7 gency operations plans and credentialing plans that govern the use of  
8 emergency health care providers registered under ORS 401.654 and other  
9 health care providers who volunteer to perform health care services under  
10 ORS 401.651 to 401.670. An emergency operations plan and a credentialing  
11 plan must comply with rules governing those plans adopted by the authority.

12 **“SECTION 15.** ORS 431A.015 is amended to read:

13 “431A.015. (1) Unless the Governor has declared a public health emer-  
14 gency under ORS 433.441, the Public Health Director may, upon approval of  
15 the Governor or the designee of the Governor, take the public health actions  
16 described in subsection (2) of this section if the Public Health Director de-  
17 termines that:

18 “(a)(A) A communicable disease, reportable disease, disease outbreak, ep-  
19 idemic or other condition of public health importance has affected more than  
20 one county;

21 “(B) There is an immediate need for a consistent response from the state  
22 in order to adequately protect the public health;

23 “(C) The resources of the local public health authority or authorities are  
24 likely to be quickly overwhelmed or unable to effectively manage the re-  
25 quired response; and

26 “(D) There is a significant risk to the public health; or

27 “(b) A communicable disease, reportable disease, disease outbreak, epi-  
28 demic or other condition of public health importance is reported in Oregon  
29 and is an issue of significant regional or national concern or is an issue for  
30 which there is significant involvement from federal authorities requiring

1 state-federal coordination.

2 “(2) The Public Health Director, after making the determinations required  
3 under subsection (1) of this section, may take the following public health  
4 actions:

5 “(a) Coordinate the public health response across jurisdictions.

6 “(b) Prescribe measures for the:

7 “(A) Identification, assessment and control of the communicable disease  
8 or reportable disease, disease outbreak, epidemic or other condition of public  
9 health importance; and

10 “(B) Allocation and distribution of antitoxins, serums, vaccines,  
11 immunizing agents, antibiotics, antidotes and other pharmaceutical agents,  
12 medical supplies or personal protective equipment.

13 “(c) After consultation with appropriate medical experts, create and re-  
14 quire the use of diagnostic and treatment guidelines and provide notice of  
15 those guidelines to health care providers, institutions and facilities.

16 “(d) Require a person to obtain treatment and use appropriate  
17 prophylactic measures to prevent the introduction or spread of a  
18 communicable disease or reportable disease, unless:

19 “(A) The person has a medical diagnosis for which a vaccination is  
20 contraindicated; or

21 “(B) The person has a religious or conscientious objection to the required  
22 treatments or prophylactic measures.

23 “(e) Notwithstanding ORS 332.075, direct a district school board to close  
24 a children’s facility or school under the jurisdiction of the board. The au-  
25 thority granted to the Public Health Director under this paragraph super-  
26 sedes the authority granted to the district school board under ORS 332.075  
27 to the extent the authority granted to the board is inconsistent with the  
28 authority granted to the director.

29 “(f) Issue guidelines for private businesses regarding appropriate work  
30 restrictions.

1 “(g) Organize public information activities regarding the public health  
2 response to circumstances described in subsection (1) of this section.

3 “(h) Adopt reporting requirements for, and provide notice of those re-  
4 porting requirements to, health care providers, institutions and facilities for  
5 the purpose of obtaining information directly related to the public health  
6 threat presented.

7 “(i) Take control of antitoxins, serums, vaccines, immunizing agents, an-  
8 tibiotics, antidotes and other pharmaceutical agents, medical supplies or  
9 personal protective equipment.

10 “**(j) Direct and deploy emergency health care providers under ORS**  
11 **401.661.**

12 “(3) The authority granted to the Public Health Director under this sec-  
13 tion is not intended to override the general authority provided to a local  
14 public health authority except as already permitted by law, or under the  
15 circumstances described in subsection (1) of this section.

16 “(4) If the Oregon Health Authority adopts temporary rules to implement  
17 subsection (2) of this section, the rules adopted are not subject to the pro-  
18 visions of ORS 183.335 (6)(a). The authority may amend the temporary rules  
19 adopted under this subsection as often as is necessary to respond to the  
20 public health threat.

21 “(5) If it is necessary for the authority to purchase antitoxins, serums,  
22 vaccines, immunizing agents, antibiotics, antidotes or other pharmaceutical  
23 agents, medical supplies or personal protective equipment, the purchases are  
24 not subject to the provisions of ORS chapter 279A, 279B or 279C.

25 “(6) If property is taken under the authority granted to the Public Health  
26 Director under subsection (2) of this section, the owner of the property is  
27 entitled to reasonable compensation from the state.

28 “**SECTION 16. Section 17 of this 2022 Act is added to and made a**  
29 **part of ORS chapter 656.**

30 “**SECTION 17. (1) The Oregon Health Authority shall provide**

1 workers' compensation coverage for volunteer emergency health care  
2 providers registered under ORS 401.654 who are injured in the course  
3 and scope of performing emergency health care services if the injury  
4 occurs:

5 “(a) While the volunteer is performing health care services at the  
6 direction of the authority under ORS 401.661; or

7 “(b) While the volunteer is engaged in training being conducted or  
8 approved by the authority for the purpose of preparing the volunteer  
9 to perform emergency health care services.

10 “(2) Workers' compensation coverage shall be provided under this  
11 section in the manner provided by ORS 656.039.

12

13 **“PHARMACY BENEFIT MANAGERS**

14

15 **“SECTION 18.** Section 5, chapter 526, Oregon Laws 2019, is amended to  
16 read:

17 **“Sec. 5.** [*Section 2 of this 2019 Act*] **ORS 735.536** and the amendments to  
18 ORS 735.530 and 735.534 by sections 3 and 4, [*of this 2019 Act*] **chapter 526,**  
19 **Oregon Laws 2019,** apply to pharmacy benefits and to contracts between  
20 pharmacies or pharmacists and pharmacy benefit managers:

21 **“(1)** Entered into, renewed or extended on or after January 1, 2021.

22 **“(2) Automatically renewed on or after January 1, 2023.**

23

24 **“CAPTIONS**

25

26 **“SECTION 19.** The unit captions used in this 2022 Act are provided  
27 only for the convenience of the reader and do not become part of the  
28 statutory law of this state or express any legislative intent in the  
29 enactment of this 2022 Act.

30



1 **“EFFECTIVE DATE**

2

3 **“SECTION 20. This 2022 Act being necessary for the immediate**  
4 **preservation of the public peace, health and safety, an emergency is**  
5 **declared to exist, and this 2022 Act takes effect on its passage.”.**

6 \_\_\_\_\_