

## Legislative Fiscal Office

Oregon State Capitol  
900 Court Street NE, H-178  
Salem, Oregon 97301  
503-986-1828



## Joint Committee on Ways and Means

Senator Elizabeth Steiner, Senate Co-Chair  
Representative Tawna Sanchez, House Co-Chair

Senator Fred Girod, Senate Co-Vice Chair  
Representative David Gomberg, House Co-Vice Chair  
Representative Greg Smith, House Co-Vice Chair

Amanda Beitel, Legislative Fiscal Officer  
Tom MacDonald, Deputy Legislative Fiscal Officer (Budget)  
Paul Siebert, Deputy Legislative Fiscal Officer (Audit/IT)

**To:** Education Subcommittee

**From:** Haylee Morse-Miller, Legislative Fiscal Office

**Date:** May 9, 2023

**Subject:** SB 5546 – Relating to state financial administration  
Work Session Recommendations

ORS 291.055(1)(e) stipulates that all new state agency fees or fee increases adopted between the date of adjournment sine die of a regular session of the Legislative Assembly and the date of adjournment sine die of the next regular session of the Legislative Assembly, are rescinded upon adjournment sine die of the next regular session of the Legislative Assembly unless the fee is authorized by enabling legislation.

SB 5546 provides the enabling legislation necessary to approve fees adopted through administrative rule by the Oregon Board of Pharmacy during the 2022-23 Interim. New fees adopted include:

- Remote Dispensing Site Pharmacy fee of \$225. This is for locations staffed by a Certified Oregon Pharmacy Technician under supervision of an Oregon license pharmacist via telepharmacy.
- Pharmacy Prescription Locker and Pharmacy Prescription Kiosk fee of \$120. These are for locations that have a system to securely store patient prescriptions and non-prescription items for pickup.

These are new categories of fees within existing registration classifications, and fee levels align with other fees in these classifications. The new fees were driven by the need to offer pharmacy services in underserved areas, and by changes in pharmacy distribution technology.

Since these fees are new the amount of Other Funds revenue that will be received from these new categories is indeterminate but anticipated to be minimal.

### **Recommended Changes**

LFO recommends adoption of the –1 amendment.

MOTION: I move adoption of the –1 amendment to SB 5546. (VOTE)

**Final Subcommittee Action**

LFO recommends that SB 5546, as amended by the –1 amendment, be moved to the Ways and Means Full Committee.

MOTION: I move SB 5546, as amended, to the Full Committee with a do pass recommendation. (VOTE)

**Carriers**

Full Committee: \_\_\_\_\_

House Floor: \_\_\_\_\_

Senate Floor: \_\_\_\_\_

SB 5546-1  
(LC 9546)  
4/13/23 (DFY/ps)

Requested by JOINT COMMITTEE ON WAYS AND MEANS

**PROPOSED AMENDMENTS TO  
SENATE BILL 5546**

1 Delete lines 4 through 15 of the printed bill and insert:

2 **“SECTION 1. For the purpose of carrying out the provisions of ORS**  
3 **291.055 (1)(e), the following new or increased fees, adopted by the State**  
4 **Board of Pharmacy and approved by the Oregon Department of Ad-**  
5 **ministrative Services, are approved:**

6 **“(1) Remote Dispensing Site Pharmacy: \$225**

7 **“(2) Pharmacy Prescription Lockers: \$120**

8 **“(3) Pharmacy Prescription Kiosk: \$120**

9 **“SECTION 2. This 2023 Act being necessary for the immediate**  
10 **preservation of the public peace, health and safety, an emergency is**  
11 **declared to exist, and this 2023 Act takes effect July 1, 2023.”.**

12

---

**FISCAL IMPACT OF PROPOSED LEGISLATION**

**Measure: SB 5546 - 1**

82nd Oregon Legislative Assembly – 2023 Regular Session

Legislative Fiscal Office

*Only Impacts on Original or Engrossed Versions are Considered Official*

---

Prepared by: Emily Coates  
Reviewed by: Haylee Morse-Miller  
Date: 4/27/2023

---

**Measure Description:**

Approves certain new or increased fees adopted by Board of Pharmacy.

**Government Unit(s) Affected:**

Board of Pharmacy

**Summary of Fiscal Impact:**

Costs related to the measure are anticipated to be minimal - See explanatory analysis.

**Analysis:**

ORS 291.055(1)(e) stipulates that all new state agency fees or fee increases adopted between the date of adjournment sine die of a regular session of the Legislative Assembly, and the date of adjournment sine die of the next regular session of the Legislative Assembly, are rescinded upon adjournment sine die of the next regular session of the Legislative Assembly unless the fee is authorized by enabling legislation.

This measure provides the enabling legislation necessary to approve fees adopted through administrative rule by the Oregon Board of Pharmacy (OBOP) during the 2022-23 Interim. The new remote dispensing site pharmacy fee is \$225, the new pharmacy prescription lockers fee is \$120, and the new pharmacy prescription kiosk fee is \$120, which align with current registrations and categories. The pharmacy prescription kiosk fee was effective February 2023 and the two retail drug outlet pharmacy categories were effective July 2022.

Due to the minimal revenue impact anticipated, the 2023-25 Legislative Fiscal Office (LFO) Recommended Budget does not assume any additional revenue from the new fee or pharmacy categories included in this measure.

**SB 5546 -1 STAFF MEASURE SUMMARY**

**Joint Committee On Ways and Means**

---

**Prepared By:** Haylee Morse-Miller, Fiscal Analyst

---

**WHAT THE MEASURE DOES:**

Appropriates an unspecified amount of General Fund, and increases Other Funds and Federal Funds expenditure limitation by an unspecified amount. Declares an emergency and takes effect on passage.

**ISSUES DISCUSSED:**

**EFFECT OF AMENDMENT:**

-1 Ratifies three fees that were administratively approved during the 2022-23 period between legislative sessions, for the Oregon Board of Pharmacy.

**BACKGROUND:**

ORS 291.055(1)(e) stipulates that all new state agency fees or fee increases adopted between the date of adjournment sine die of a regular session of the Legislative Assembly and the date of adjournment sine die of the next regular session of the Legislative Assembly, are rescinded upon adjournment sine die of the next regular session of the Legislative Assembly unless the fee is authorized by enabling legislation.