



Open Government Impact Statement

82nd Oregon Legislative Assembly
2023 Regular Session

Measure: SB 192 - B

Only impacts on Original or Engrossed
Versions are Considered Official

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SUMMARY

Requires pharmacy benefit managers to annually report to Department of Consumer and Business Services information about certain rebates, fees, price protection payments and other payments received from prescription drug manufacturers. Requires department to publish aggregated information received from pharmacy benefit managers on department's website.

Requires Prescription Drug Affordability Board to develop, and to report on to interim committees of Legislative Assembly related to health by September 15, 2024, plan for establishing upper payment limits on certain drugs. Provides that plan must include analysis of how upper payment limits could be implemented by Public Employees' Benefit Board, Oregon Educators Benefit Board, other state-administered health benefits and insurance. Provides that report must include analysis of potential savings or costs for state, insurers, hospitals, pharmacies and consumers.

Continuously appropriates moneys in Prescription Drug Affordability Account to department.

Makes confidential and not subject to disclosure information reported by prescription drug manufacturer that includes personally identifiable information about consumer.

Expands membership of Prescription Drug Affordability Board.

Modifies information that department must provide to board.

Limits information that insurer must report to department regarding prescription drugs covered by insurer to coverage provided under health benefit plans.

Takes effect on 91st day following adjournment sine die.

OPEN GOVERNMENT IMPACT

Legislative Counsel has not adopted standards for drafting measures that establish exemptions from disclosure of public records.

This measure prohibits the public disclosure of the report, and any information contained therein, that a pharmacy benefit manager files with the Department of Consumer and Business Services containing the amount of rebates, fees, price protection payments and any other payments a pharmacy benefit manager received from a prescription drug manufacturer regarding prescription drugs. The measure also prohibits the public disclosure of personally identifiable information of a consumer that notifies the department of an increase in the price of a prescription drug.

If those public records that could be subject to public disclosure were instead subject to mandatory disclosure under public records law, the public might be able to receive prescription



drug pricing information and personally identifiable information of individuals reporting prescription drug price increases to the department.