

Enrolled
House Bill 2486

Sponsored by Representative NOSSE; Representative JAVADI (Presession filed.)

CHAPTER

AN ACT

Relating to pharmacy technicians; creating new provisions; amending ORS 689.155 and 689.645; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 689.645 is amended to read:

689.645. (1) In accordance with rules adopted by the State Board of Pharmacy under ORS 689.205[*a pharmacist may*]:

(a) **A pharmacist, or a pharmacy technician under the supervision of a pharmacist, may** administer vaccines:

(A) To persons who are seven years of age or older; or

(B) If authorized by the Governor or the Director of the Oregon Department of Emergency Management under ORS 433.441 or the Public Health Director under ORS 433.443 or 433.444, to a person three years of age or older.

(b) **A pharmacist may**, pursuant to a statewide drug therapy management protocol developed by the Public Health and Pharmacy Formulary Advisory Committee convened under ORS 689.649 and adopted by rule of the board, provide approved patient care services including smoking cessation therapy and travel health services.

(c) **A pharmacist may**, using a form prescribed by the board, submit a concept for the development of a protocol, other than the protocols pharmacists may establish under subsection (5) of this section, to the committee for consideration by the committee and recommendation to the board for adoption by rule of the board.

(d) **A pharmacist may** prescribe and dispense a drug or device included on the formulary established under subsection (6) of this section if the prescription and dispensation is pursuant to a diagnosis by a health care practitioner who has prescriptive authority and is qualified to make the diagnosis.

(2) The board may adopt rules allowing a pharmacist to prescribe vaccines, provide patient care services and submit protocol concepts under subsection (1) of this section. The rules related to the prescription of vaccines may be only as broad as necessary to enable pharmacists to enroll and participate in the Vaccines for Children Program administered by the Centers for Disease Control and Prevention.

(3) The board is authorized to issue, to [*licensed*] pharmacists **and pharmacy technicians** who have completed training accredited by the Centers for Disease Control and Prevention, the Accreditation Council for Pharmacy Education or a similar health authority or professional body, certificates of special competency in the prescription [*and*] **or** administration of vaccines.

(4) The board shall adopt rules relating to the reporting of the prescription and administration of vaccines to a patient's primary health care provider and to the Oregon Health Authority.

(5) The board shall adopt rules requiring pharmacists to establish protocols for the prescription and administration of vaccines and the provision of patient care services under subsection (1) of this section.

(6)(a) The board shall establish by rule a formulary of drugs and devices, as recommended by the committee, that a pharmacist may prescribe and dispense to a patient pursuant to a diagnosis by a health care practitioner who has prescriptive authority and who is qualified to make the diagnosis.

(b) The formulary may include post-diagnostic drugs and devices such as diabetic testing supplies, emergency refills of insulin, albuterol inhalers, epinephrine autoinjectors, smoking cessation aids, discharge medications for transitions of care, rapid strep tests and spacers.

SECTION 2. ORS 689.155 is amended to read:

689.155. The State Board of Pharmacy shall also have the following responsibilities in regard to medications, drugs, devices and other materials used in this state in the diagnosis, mitigation and treatment or prevention of injury, illness and disease:

(1)(a) The regulation of the sale at retail, the administering by pharmacists to the extent provided in ORS 689.645 and 689.655 and the dispensing of medications, drugs, devices and other materials including the right to seize any such drugs, devices and other materials found to be detrimental to the public health and welfare by the board after appropriate hearing as required under ORS chapter 183.

(b) The regulation of the administering by pharmacy technicians to the extent provided in ORS 689.645 of medications and drugs.

(2) The specifications of minimum professional and technical equipment, environment, supplies and procedures for the compounding, administering and dispensing of such medications, drugs, devices and other materials within the practice of pharmacy and any drug outlet.

(3) The control of the purity and quality of such medications, drugs, devices and other materials within the practice of pharmacy and any drug outlet.

(4) The issuance and renewal of certificates of registration of drug outlets for purposes of ascertaining those persons engaged in the manufacture and distribution of drugs, receiving and collecting annual fees therefrom and suspending, revoking or refusing to renew such registration in the manner provided in this chapter.

(5) In conjunction with the regularly constituted law enforcement agencies of this state, enforce all laws of the state which pertain to the practice of pharmacy, the manufacture, production, sale or distribution of drugs, chemicals and poisons, and to their standard of strength and purity.

(6) Investigate all complaints of alleged violations of this chapter and take necessary action as the board may require or direct.

(7) Pursuant to ORS chapter 183, make such rules as are necessary and feasible for carrying out ORS 453.175, 453.185, 475.005, 475.135 and 475.185 and this chapter and make rules relating to controlled substances, designated as such pursuant to ORS 475.025 and 475.035.

(8) At all reasonable hours, in performance of the duties imposed by this section, enter, or cause its authorized representatives to enter upon, and examine the premises or records required by law of any drug outlet under the jurisdiction of the board.

(9) Assist the regularly constituted law enforcement agencies of this state in enforcing ORS 453.005 to 453.135, 475.005 and 475.135 and this chapter by prosecution in the courts of this state or otherwise.

(10) Cause to have made a regular inspection of all pharmacies.

(11) Pursuant to ORS chapter 183, make such rules as are necessary for pharmacies, drug manufacturers and wholesalers to sell or otherwise lawfully distribute designated pharmaceutical agents to licensed optometrists consistent with the provisions of ORS 683.010 to 683.340.

SECTION 3. (1) The amendments to ORS 689.155 and 689.645 by sections 1 and 2 of this 2023 Act become operative on January 1, 2024.

(2) The State Board of Pharmacy may take any action before the operative date specified in subsection (1) of this section that is necessary to enable the board to exercise, on and after the operative date specified in subsection (1) of this section, all of the duties, functions and powers conferred on the board by the amendments to ORS 689.155 and 689.645 by sections 1 and 2 of this 2023 Act.

SECTION 4. This 2023 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect on its passage.

Passed by House March 14, 2023

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Timothy G. Sekerak, Chief Clerk of House

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Dan Rayfield, Speaker of House

Passed by Senate June 21, 2023

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Rob Wagner, President of Senate

Received by Governor:

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Approved:

.....M,....., 2023

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Tina Kotek, Governor

Filed in Office of Secretary of State:

.....M,....., 2023

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Secretary of State