

Enrolled House Bill 2574

Sponsored by Representatives GRAYBER, NOSSE, Senator LIEBER, Representative BOWMAN; Representatives ANDERSEN, DEXTER, GAMBA, HUDSON, KROPF, NELSON, PHAM H, REYNOLDS, WALTERS, Senator PATTERSON (at the request of Cascade AIDS Project) (Pre-session filed.)

CHAPTER

AN ACT

Relating to post-exposure prophylaxes; creating new provisions; and amending ORS 743B.425.

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

SECTION 1. (1) As used in this section, “hospital” has the meaning given that term in ORS 442.015, excluding special inpatient care facilities as defined by the Oregon Health Authority by rule.

(2) A hospital licensed under ORS 441.025 must:

(a) Adopt a policy for the dispensing of human immunodeficiency virus post-exposure prophylaxis drugs or therapies; and

(b) Have procedures in place to ensure that hospital staff dispense to a patient, with a patient’s informed consent, at least a five-day supply of human immunodeficiency virus post-exposure prophylactic drugs or therapies following the patient’s possible exposure to human immunodeficiency virus, unless medically contraindicated.

(3) The hospital policy adopted under this section must in all respects, other than as specified in subsection (2) of this section, conform to guidelines issued by the Centers for Disease Control and Prevention.

SECTION 2. (1) As used in this section:

(a) “Type A hospital” means a rural hospital described in ORS 442.470 (6)(a)(A).

(b) “Type B hospital” means a rural hospital described in ORS 442.470 (6)(a)(B).

(2) Once each calendar year, the Oregon Health Authority shall provide to each type A hospital and to each type B hospital in this state, at no cost to the hospital, one 30-day supply of human immunodeficiency virus post-exposure prophylactic drugs or therapies, unless declined by the hospital.

SECTION 3. ORS 743B.425 is amended to read:

743B.425. (1) An insurer offering a health benefit plan as defined in ORS 743B.005 may not:

(a) Require prior authorization:

(A) During the first 60 days of treatment, including medication therapy, prescribed for opioid or opiate withdrawal; or

(B) For post-exposure prophylactic antiretroviral drugs or at least one preexposure prophylactic antiretroviral drug; [or]

(b) Restrict the reimbursement for medication therapies, preexposure prophylactic antiretroviral drugs or post-exposure prophylactic antiretroviral drugs to in-network pharmacists or pharmacies[.]; or

(c) **Subject to ORS 742.008, require a deductible, copayment, coinsurance or other cost-sharing for the coverage of human immunodeficiency virus post-exposure prophylactic drugs or therapies prescribed following a possible exposure to human immunodeficiency virus.**

(2) This section is not subject to ORS 743A.001.

(3) This section does not prohibit prior authorization for opioids or opiates prescribed for purposes other than medication therapy or treatment of opioid or opiate abuse or addiction.

(4) Subsection (1)(b) of this section does not apply to a health maintenance organization as defined in ORS 750.005.

SECTION 4. The amendments to ORS 743B.425 by section 3 of this 2023 Act apply to health benefit plans issued, renewed or extended on or after the effective date of this 2023 Act.

SECTION 5. Notwithstanding any other provision of law, the General Fund appropriation made to the Oregon Health Authority, for public health, by section 1 (4), chapter __, Oregon Laws 2023 (Enrolled Senate Bill 5525), for the biennium beginning July 1, 2023, is increased by \$259,052 for human immunodeficiency virus post-exposure prophylactic drug procurement and distribution.

SECTION 6. Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 2 (5), chapter __, Oregon Laws 2023 (Enrolled Senate Bill 5525), for the biennium beginning July 1, 2023, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts, tobacco tax receipts, marijuana tax receipts, beer and wine tax receipts, provider taxes and Medicare receipts, but excluding lottery funds and federal funds not described in section 2, chapter __, Oregon Laws 2023 (Enrolled Senate Bill 5525), collected or received by the Oregon Health Authority, for public health, is decreased by \$93,023, for the purpose of balancing the positions in the administration of human immunodeficiency virus post-exposure prophylactic drugs.

Passed by House June 13, 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 22, 2023

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Rob Wagner, President of Senate

Received by Governor:

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

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