

Requested by Representative NATHANSON

**PROPOSED AMENDMENTS TO
HOUSE BILL 4149**

1 On page 1 of the printed bill, line 5, delete “Sections 2 and 3 of this 2024
2 Act are” and insert “Section 2 of this 2024 Act is”.

3 On page 2, delete lines 2 and 3.

4 In line 4, delete “4” and insert “3”.

5 In line 11, delete “5” and insert “4”.

6 On page 3, line 22, delete “6” and insert “5”.

7 In line 39, delete “7” and insert “6”

8 On page 4, line 27, delete “8” and insert “7”.

9 On page 6, line 43, delete “9” and insert “8”.

10 On page 7, line 38, delete “10” and insert “9”.

11 On page 8, delete line 18.

12 In line 30, delete “11” and insert “10”.

13 On page 9, line 5, delete “12” and insert “11”.

14 Delete lines 44 and 45 and delete page 10.

15 On page 11, delete lines 1 through 10 and insert:

16 **“SECTION 12.** ORS 743A.062 is amended to read:

17 “743A.062. (1) As used in this section[,]:

18 **“(a) ‘Medical assistance program’** means the state program that provides
19 medical assistance as defined in ORS 414.025.

20 **“(b) ‘340B drug’** means a covered drug dispensed by a covered entity,
21 as those terms are defined in 42 U.S.C. 256b, that is subject to the cap

1 **on amounts required to be paid in 42 U.S.C. 256b(a)(1).**

2 “(2) [An insurance policy or] **A policy or certificate of health insurance**
3 **or other** contract providing [coverage for] **for the reimbursement of the**
4 **cost of** a prescription drug to a resident of this state may not:

5 “(a) Exclude coverage of the drug for a particular indication solely on the
6 grounds that the indication has not been approved by the United States Food
7 and Drug Administration if the Health Evidence Review Commission estab-
8 lished under ORS 414.688 or the Pharmacy and Therapeutics Committee es-
9 tablished under ORS 414.353 determines that the drug is recognized as
10 effective for the treatment of that indication:

11 “(A) In publications that the commission or the committee determines to
12 be equivalent to:

13 “(i) The American Hospital Formulary Service drug information;

14 “(ii) ‘Drug Facts and Comparisons’ (Lippincott-Raven Publishers);

15 “(iii) The United States Pharmacopoeia drug information; or

16 “(iv) Other publications that have been identified by the United States
17 Secretary of Health and Human Services as authoritative;

18 “(B) In the majority of relevant peer-reviewed medical literature; or

19 “(C) By the United States Secretary of Health and Human Services; [or]

20 “(b) For an insured who is enrolled in the medical assistance program:

21 “(A) Except as provided in subsection (3) of this section, require a pre-
22 scription for the drug to be filled or refilled at a mail order pharmacy; or

23 “(B) Require a prescription for the drug to be filled or refilled at a
24 pharmacy that is not a local pharmacy enrolled in the medical assistance
25 program[.];

26 “(c) **Discriminate in the reimbursement of a prescription for 340B**
27 **drugs from other prescription drugs;**

28 “(d) **Assess a fee, chargeback, clawback or other adjustment for the**
29 **dispensing of a 340B drug;**

30 “(e) **Exclude a pharmacy from a pharmacy network on the basis**

1 **that the pharmacy dispenses a 340B drug;**

2 **“(f) Restrict the methods by which a 340B drug may be dispensed**
3 **or delivered; or**

4 **“(g) Restrict the number of pharmacies within a pharmacy network**
5 **that may dispense or deliver 340B drugs.**

6 “(3) Subsection (2)(b)(A) of this section does not prohibit an insurer from
7 requiring a medical assistance recipient to fill or refill a prescription for a
8 specialty drug at a mail order pharmacy that is a specialty pharmacy.

9 “(4) Required coverage of a prescription drug under this section shall in-
10 clude coverage for medically necessary services associated with the admin-
11 istration of that drug.

12 “(5) Nothing in this section requires coverage for any prescription drug
13 if the United States Food and Drug Administration has determined use of the
14 drug to be contraindicated.

15 “(6) Nothing in this section requires coverage for experimental drugs not
16 approved for any indication by the United States Food and Drug Adminis-
17 tration.

18 **“(7) Notwithstanding ORS 750.055 (1)(h), this section does not apply**
19 **to a health maintenance organization as defined in ORS 750.005.**

20 “[7] (8) This section is exempt from ORS 743A.001.”.

21 In line 11, delete “14” and insert “13”.

22 On page 12, delete lines 33 through 45 and delete page 13 and insert:

23 **“SECTION 14. No later than January 1, 2025, the Department of**
24 **Consumer and Business Services shall hire at least one additional**
25 **full-time employee to assist in the regulation of pharmacy benefit**
26 **managers under ORS 735.530 to 735.552.**

27 **“SECTION 15. The amendments to ORS 735.534, 735.536, 735.540 and**
28 **735.542 by sections 7, 8, 10 and 11 of this 2024 Act apply to contracts**
29 **between pharmacies and pharmacy benefit managers that are entered**
30 **into, renewed, extended or automatically renewed on or after January**

1 1, 2025.

2 **“SECTION 16. (1) Section 2 of this 2024 Act and the amendments to**
3 **ORS 646A.694, 735.530, 735.532, 735.533, 735.534, 735.536, 735.537, 735.540,**
4 **735.542 and 743A.062 by sections 4 to 13 of this 2024 Act become opera-**
5 **tive on January 1, 2025.**

6 **“(2) The Department of Consumer and Business Services shall take**
7 **all steps necessary before January 1, 2025, to carry out the amend-**
8 **ments to ORS 735.532 and 735.533 by sections 5 and 6 of this 2024 Act**
9 **on and after January 1, 2025.**

10 **“SECTION 17. Notwithstanding any other law limiting expenditures,**
11 **the amount of \$_____ is established for the biennium ending June**
12 **30, 2025, as the maximum limit for payment of expenses from fees,**
13 **moneys or other revenues, including Miscellaneous Receipts, but ex-**
14 **cluding lottery funds and federal funds, collected or received by the**
15 **Department of Consumer and Business Services for the purpose of**
16 **carrying out sections 2, 3 and 14 of this 2024 Act and the amendments**
17 **to ORS 646A.694, 735.530, 735.532, 735.533, 735.534, 735.536, 735.537, 735.540,**
18 **735.542 and 743A.062 by sections 4 to 13 of this 2024 Act.**

19 **“SECTION 18. Section 14 of this 2024 Act is repealed on January 2,**
20 **2025.**

21 **“SECTION 19. This 2024 Act being necessary for the immediate**
22 **preservation of the public peace, health and safety, an emergency is**
23 **declared to exist, and this 2024 Act takes effect on its passage.”.**

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