SB 1506-2
(LC 86)
2/9/24 (SCT/ps)

Requested by SENATE COMMITTEE ON HEALTH CARE

PROPOSED AMENDMENTS TO
SENATE BILL 1506

On page 1 of the printed bill, line 2, delete "689.005" and insert "243.144, 243.877, 689.005 and 743A.051".

Delete lines 6 through 8 and insert:

"SECTION 2. Notwithstanding ORS 414.065 and 414.690, medical assistance provided to a member of a coordinated care organization or a medical assistance recipient who is not enrolled in a coordinated care organization shall include the testing and treatment, as described in section 4 of this 2024 Act, performed or provided by a pharmacist.".

Delete lines 10 through 27 and delete pages 2 through 9 and insert:

"SECTION 4. (1) Consistent with the protocols adopted by the State Board of Pharmacy by rule, as recommended by the Public Health and Pharmacy Formulary Advisory Committee, a pharmacist may test for severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) and prescribe, dispense and administer treatment, including drug therapy, for SARS-CoV-2.

"(2) When testing for SARS-CoV-2, a pharmacist may use:

"(a) A screening procedure that can be safely performed by a pharmacist; and

"(b) A test that:

"(A) Guides the pharmacist's clinical decision-making;

"(B) Is determined by the Centers for Medicare and Medicaid Ser-

vices to qualify as a waived test under the Clinical Laboratory Improvement Amendments of 1988 (P.L. 100-578, 42 U.S.C. 201 and 263a) or federal regulations adopted pursuant to the Clinical Laboratory Improvement Amendments of 1988 or is approved by the United States Food and Drug Administration; and

"(C) Is approved by the board by rule for use under this section.

"(3) A pharmacist may delegate to a pharmacy technician or an intern under the pharmacist's supervision the administrative and technical tasks of performing a task described in subsection (2) of this section.

"(4) The board may adopt rules as necessary to carry out this section.

"SECTION 5. ORS 689.005 is amended to read:

"689.005. As used in this chapter:

"(1) 'Administer' means the direct application of a drug or device whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject by:

"(a) A practitioner or the practitioner's authorized agent; or

"(b) The patient or research subject at the direction of the practitioner.

"(2) 'Approved continuing pharmacy education program' means those seminars, classes, meetings, workshops and other educational programs on the subject of pharmacy approved by the State Board of Pharmacy.

"(3) 'Clinical pharmacy agreement' means an agreement between a pharmacist or pharmacy and a health care organization or a physician as defined in ORS 677.010 or a naturopathic physician as defined in ORS 685.010 that permits the pharmacist to engage in the practice of clinical pharmacy for the benefit of the patients of the health care organization, physician or naturopathic physician.

"(4) 'Continuing pharmacy education' means:

"(a) Professional, pharmaceutical post-graduate education in the general

areas of socio-economic and legal aspects of health care;

"(b) The properties and actions of drugs and dosage forms; and

"(c) The etiology, characteristics and therapeutics of the disease state.

"(5) 'Continuing pharmacy education unit' means the unit of measurement of credits for approved continuing education courses and programs.

"(6) 'Deliver' or 'delivery' means the actual, constructive or attempted transfer of a drug or device other than by administration from one person to another, whether or not for a consideration.

"(7) 'Device' means an instrument, apparatus, implement, machine, contrivance, implant, in vitro reagent or other similar or related article, including any component part or accessory, which is required under federal or state law to be prescribed by a practitioner and dispensed by a pharmacist.

"(8) 'Dispense' or 'dispensing' means the preparation and delivery of a prescription drug pursuant to a lawful order of a practitioner in a suitable container appropriately labeled for subsequent administration to or use by a patient or other individual entitled to receive the prescription drug.

"(9) 'Distribute' means the delivery of a drug other than by administering or dispensing.

"(10) 'Drug' means:

"(a) Articles recognized as drugs in the official United States Pharmacopoeia, official National Formulary, official Homeopathic Pharmacopoeia, other drug compendium or any supplement to any of them;

"(b) Articles intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in a human or other animal;

"(c) Articles, other than food, intended to affect the structure or any function of the body of humans or other animals; and

"(d) Articles intended for use as a component of any articles specified in paragraph (a), (b) or (c) of this subsection.

"(11) 'Drug order' means a written order, in a hospital or other inpatient

care facility, for an ultimate user of any drug or device issued and signed by a practitioner, or an order transmitted by other means of communication from a practitioner, that is immediately reduced to writing by a pharmacist, licensed nurse or other practitioner.

"(12) 'Drug outlet' means a pharmacy, nursing home, shelter home, convalescent home, extended care facility, drug abuse treatment center, penal institution, hospital, family planning clinic, student health center, retail store, wholesaler, manufacturer, mail-order vendor or other establishment with facilities located within or out of this state that is engaged in dispensing, delivery or distribution of drugs within this state.

"(13) 'Drug room' means a secure and lockable location within an inpatient care facility that does not have a licensed pharmacy.

"(14) 'Electronically transmitted' or 'electronic transmission' means a communication sent or received through technological apparatuses, including computer terminals or other equipment or mechanisms linked by telephone or microwave relays, or similar apparatus having electrical, digital, magnetic, wireless, optical, electromagnetic or similar capabilities.

"(15) 'Injectable hormonal contraceptive' means a drug composed of a hormone or a combination of hormones that is approved by the United States Food and Drug Administration to prevent pregnancy and that a health care practitioner administers to the patient by injection.

"(16) 'Institutional drug outlet' means hospitals and inpatient care facilities where medications are dispensed to another health care professional for administration to patients served by the hospitals or facilities.

"(17) 'Intern' means a person who is enrolled in or has completed a course of study at a school or college of pharmacy approved by the board and who is licensed with the board as an intern.

"(18) 'Internship' means a professional experiential program approved by the board under the supervision of a licensed pharmacist registered with the board as a preceptor.

"(19) 'Labeling' means the process of preparing and affixing of a label to any drug container exclusive, however, of the labeling by a manufacturer, packer or distributor of a nonprescription drug or commercially packaged legend drug or device.

"(20) 'Manufacture' means the production, preparation, propagation, compounding, conversion or processing of a device or a drug, either directly or indirectly by extraction from substances of natural origin or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis and includes any packaging or repackaging of the substances or labeling or relabeling of its container, except that this term does not include the preparation or compounding of a drug by an individual for their own use or the preparation, compounding, packaging or labeling of a drug:

"(a) By a practitioner as an incident to administering or dispensing of a drug in the course of professional practice; or

"(b) By a practitioner or by the practitioner's authorization under supervision of the practitioner for the purpose of or as an incident to research, teaching or chemical analysis and not for sale.

"(21) 'Manufacturer' means a person engaged in the manufacture of drugs.

"(22) 'Nonprescription drug outlet' means a business or other establishment that is open to the general public for the sale or nonprofit distribution of nonprescription drugs and is registered under ORS 689.305.

"(23) 'Nonprescription drugs' means drugs that may be sold without a prescription and that are prepackaged for use by the consumer and labeled in accordance with the requirements of the statutes and regulations of this state and the federal government.

"(24) 'Person' means an individual, corporation, partnership, association or other legal entity.

"(25) 'Pharmacist' means an individual licensed by this state to engage in the practice of pharmacy or to engage in the practice of clinical pharmacy.

"(26) 'Pharmacy' means a place that meets the requirements of rules of the board, is licensed and approved by the board where the practice of pharmacy may lawfully occur and includes apothecaries, drug stores, dispensaries, hospital outpatient pharmacies, pharmacy departments and prescription laboratories but does not include a place used by a manufacturer or wholesaler.

"(27) 'Pharmacy technician' means a person licensed by the board who assists in the practice of pharmacy pursuant to rules of the board.

"(28) 'Practice of clinical pharmacy' means:

"(a) The health science discipline in which, in conjunction with the patient's other practitioners, a pharmacist provides patient care to optimize medication therapy and to promote disease prevention and the patient's health and wellness;

"(b) The provision of patient care services, including but not limited to post-diagnostic disease state management services; and

"(c) The practice of pharmacy by a pharmacist pursuant to a clinical pharmacy agreement.

"(29) 'Practice of pharmacy' means:

"(a) The interpretation and evaluation of prescription orders;

"(b) The compounding, dispensing and labeling of drugs and devices, except labeling by a manufacturer, packer or distributor of nonprescription drugs and commercially packaged legend drugs and devices;

"(c) The prescribing and administering of vaccines and immunizations and the providing of patient care services pursuant to ORS 689.645;

"(d) The administering of drugs and devices to the extent permitted under ORS 689.655;

"(e) The participation in drug selection and drug utilization reviews;

"(f) The proper and safe storage of drugs and devices and the maintenance of proper records regarding the safe storage of drugs and devices;

"(g) The responsibility for advising, where necessary or where regulated,

of therapeutic values, content, hazards and use of drugs and devices;

"(h) The monitoring of therapeutic response or adverse effect to drug therapy;

"(i) The optimizing of drug therapy through the practice of clinical pharmacy;

"(j) Patient care services, including medication therapy management and comprehensive medication review;

"(k) The offering or performing of those acts, services, operations or transactions necessary in the conduct, operation, management and control of pharmacy;

"(L) The prescribing and administering of injectable hormonal contraceptives and the prescribing and dispensing of self-administered hormonal contraceptives pursuant to ORS 689.689;

"(m) The prescribing and dispensing of emergency refills of insulin and associated insulin-related devices and supplies pursuant to ORS 689.696;

"(n) The prescribing, dispensing and administering of preexposure prophylactic antiretroviral therapies and post-exposure prophylactic antiretroviral therapies, pursuant to ORS 689.704 and rules adopted by the board under ORS 689.645 and 689.704; [*and*]

"(o) The delegation of tasks to other health care providers who are appropriately trained and authorized to perform the delegated tasks[.]**; and**

"(p) The testing for severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) and the prescribing, dispensing and administering of treatment for SARS-CoV-2 pursuant to section 4 of this 2024 Act and rules adopted by the board pursuant to section 4 of this 2024 Act.

"(30) 'Practitioner' means a person licensed and operating within the scope of such license to prescribe, dispense, conduct research with respect to or administer drugs in the course of professional practice or research:

"(a) In this state; or

"(b) In another state or territory of the United States if the person does

not reside in Oregon and is registered under the federal Controlled Substances Act.

"(31) 'Preceptor' means a pharmacist or a person licensed by the board to supervise the internship training of a licensed intern.

"(32) 'Prescription drug' or 'legend drug' means a drug that is:

"(a) Required by federal law, prior to being dispensed or delivered, to be labeled with either of the following statements:

"(A) 'Caution: Federal law prohibits dispensing without prescription'; or

"(B) 'Caution: Federal law restricts this drug to use by or on the order of a licensed veterinarian'; or

"(b) Required by any applicable federal or state law or regulation to be dispensed on prescription only or is restricted to use by practitioners only.

"(33) 'Prescription' or 'prescription drug order' means a written, oral or electronically transmitted direction, given by a practitioner authorized to prescribe drugs, for the preparation and use of a drug. When the context requires, 'prescription' also means the drug prepared under such written, oral or electronically transmitted direction.

"(34) 'Retail drug outlet' means a place used for the conduct of the retail sale, administering or dispensing or compounding of drugs or chemicals or for the administering or dispensing of prescriptions and licensed by the board as a place where the practice of pharmacy may lawfully occur.

"(35) 'Self-administered hormonal contraceptive' means a drug composed of a hormone or a combination of hormones that is approved by the United States Food and Drug Administration to prevent pregnancy and that the patient to whom the drug is prescribed may administer to oneself. 'Self-administered hormonal contraceptive' includes, but is not limited to, hormonal contraceptive patches and hormonal contraceptive pills.

"(36) 'Third-party logistics provider' means an entity that:

"(a) Provides or coordinates warehousing of, or other logistics services for, a product in interstate commerce on behalf of a manufacturer, wholesale

distributor or dispenser of the product; and

"(b) Does not take ownership of, or have responsibility to direct the sale or disposition of, the product.

"(37) 'Unit dose' means a sealed single-unit container so designed that the contents are administered to the patient as a single dose, direct from the container. Each unit dose container must bear a separate label, be labeled with the name and strength of the medication, the name of the manufacturer or distributor, an identifying lot number and, if applicable, the expiration date of the medication.

"(38) 'Wholesale distributor drug outlet' means a person, other than a manufacturer, manufacturer's colicensed partner, third-party logistics provider or repackager, as defined in 21 U.S.C. 360eee(16), that is engaged in wholesale distribution, as defined in 21 U.S.C. 353(e)(4).

"SECTION 6. ORS 689.005, as amended by section 5 of this 2024 Act, is amended to read:

"689.005. As used in this chapter:

"(1) 'Administer' means the direct application of a drug or device whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject by:

"(a) A practitioner or the practitioner's authorized agent; or

"(b) The patient or research subject at the direction of the practitioner.

"(2) 'Approved continuing pharmacy education program' means those seminars, classes, meetings, workshops and other educational programs on the subject of pharmacy approved by the State Board of Pharmacy.

"(3) 'Clinical pharmacy agreement' means an agreement between a pharmacist or pharmacy and a health care organization or a physician as defined in ORS 677.010 or a naturopathic physician as defined in ORS 685.010 that permits the pharmacist to engage in the practice of clinical pharmacy for the benefit of the patients of the health care organization, physician or naturopathic physician.

"(4) 'Continuing pharmacy education' means:

"(a) Professional, pharmaceutical post-graduate education in the general areas of socio-economic and legal aspects of health care;

"(b) The properties and actions of drugs and dosage forms; and

"(c) The etiology, characteristics and therapeutics of the disease state.

"(5) 'Continuing pharmacy education unit' means the unit of measurement of credits for approved continuing education courses and programs.

"(6) 'Deliver' or 'delivery' means the actual, constructive or attempted transfer of a drug or device other than by administration from one person to another, whether or not for a consideration.

"(7) 'Device' means an instrument, apparatus, implement, machine, contrivance, implant, in vitro reagent or other similar or related article, including any component part or accessory, which is required under federal or state law to be prescribed by a practitioner and dispensed by a pharmacist.

"(8) 'Dispense' or 'dispensing' means the preparation and delivery of a prescription drug pursuant to a lawful order of a practitioner in a suitable container appropriately labeled for subsequent administration to or use by a patient or other individual entitled to receive the prescription drug.

"(9) 'Distribute' means the delivery of a drug other than by administering or dispensing.

"(10) 'Drug' means:

"(a) Articles recognized as drugs in the official United States Pharmacopoeia, official National Formulary, official Homeopathic Pharmacopoeia, other drug compendium or any supplement to any of them;

"(b) Articles intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in a human or other animal;

"(c) Articles, other than food, intended to affect the structure or any function of the body of humans or other animals; and

"(d) Articles intended for use as a component of any articles specified in

paragraph (a), (b) or (c) of this subsection.

"(11) 'Drug order' means a written order, in a hospital or other inpatient care facility, for an ultimate user of any drug or device issued and signed by a practitioner, or an order transmitted by other means of communication from a practitioner, that is immediately reduced to writing by a pharmacist, licensed nurse or other practitioner.

"(12) 'Drug outlet' means a pharmacy, nursing home, shelter home, convalescent home, extended care facility, drug abuse treatment center, penal institution, hospital, family planning clinic, student health center, retail store, wholesaler, manufacturer, mail-order vendor or other establishment with facilities located within or out of this state that is engaged in dispensing, delivery or distribution of drugs within this state.

"(13) 'Drug room' means a secure and lockable location within an inpatient care facility that does not have a licensed pharmacy.

"(14) 'Electronically transmitted' or 'electronic transmission' means a communication sent or received through technological apparatuses, including computer terminals or other equipment or mechanisms linked by telephone or microwave relays, or similar apparatus having electrical, digital, magnetic, wireless, optical, electromagnetic or similar capabilities.

"(15) 'Injectable hormonal contraceptive' means a drug composed of a hormone or a combination of hormones that is approved by the United States Food and Drug Administration to prevent pregnancy and that a health care practitioner administers to the patient by injection.

"(16) 'Institutional drug outlet' means hospitals and inpatient care facilities where medications are dispensed to another health care professional for administration to patients served by the hospitals or facilities.

"(17) 'Intern' means a person who is enrolled in or has completed a course of study at a school or college of pharmacy approved by the board and who is licensed with the board as an intern.

"(18) 'Internship' means a professional experiential program approved by

the board under the supervision of a licensed pharmacist registered with the board as a preceptor.

"(19) 'Labeling' means the process of preparing and affixing of a label to any drug container exclusive, however, of the labeling by a manufacturer, packer or distributor of a nonprescription drug or commercially packaged legend drug or device.

"(20) 'Manufacture' means the production, preparation, propagation, compounding, conversion or processing of a device or a drug, either directly or indirectly by extraction from substances of natural origin or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis and includes any packaging or repackaging of the substances or labeling or relabeling of its container, except that this term does not include the preparation or compounding of a drug by an individual for their own use or the preparation, compounding, packaging or labeling of a drug:

"(a) By a practitioner as an incident to administering or dispensing of a drug in the course of professional practice; or

"(b) By a practitioner or by the practitioner's authorization under supervision of the practitioner for the purpose of or as an incident to research, teaching or chemical analysis and not for sale.

"(21) 'Manufacturer' means a person engaged in the manufacture of drugs.

"(22) 'Nonprescription drug outlet' means a business or other establishment that is open to the general public for the sale or nonprofit distribution of nonprescription drugs and is registered under ORS 689.305.

"(23) 'Nonprescription drugs' means drugs that may be sold without a prescription and that are prepackaged for use by the consumer and labeled in accordance with the requirements of the statutes and regulations of this state and the federal government.

"(24) 'Person' means an individual, corporation, partnership, association or other legal entity.

"(25) 'Pharmacist' means an individual licensed by this state to engage in the practice of pharmacy or to engage in the practice of clinical pharmacy.

"(26) 'Pharmacy' means a place that meets the requirements of rules of the board, is licensed and approved by the board where the practice of pharmacy may lawfully occur and includes apothecaries, drug stores, dispensaries, hospital outpatient pharmacies, pharmacy departments and prescription laboratories but does not include a place used by a manufacturer or wholesaler.

"(27) 'Pharmacy technician' means a person licensed by the board who assists in the practice of pharmacy pursuant to rules of the board.

"(28) 'Practice of clinical pharmacy' means:

"(a) The health science discipline in which, in conjunction with the patient's other practitioners, a pharmacist provides patient care to optimize medication therapy and to promote disease prevention and the patient's health and wellness;

"(b) The provision of patient care services, including but not limited to post-diagnostic disease state management services; and

"(c) The practice of pharmacy by a pharmacist pursuant to a clinical pharmacy agreement.

"(29) 'Practice of pharmacy' means:

"(a) The interpretation and evaluation of prescription orders;

"(b) The compounding, dispensing and labeling of drugs and devices, except labeling by a manufacturer, packer or distributor of nonprescription drugs and commercially packaged legend drugs and devices;

"(c) The prescribing and administering of vaccines and immunizations and the providing of patient care services pursuant to ORS 689.645;

"(d) The administering of drugs and devices to the extent permitted under ORS 689.655;

"(e) The participation in drug selection and drug utilization reviews;

"(f) The proper and safe storage of drugs and devices and the maintenance

of proper records regarding the safe storage of drugs and devices;

"(g) The responsibility for advising, where necessary or where regulated, of therapeutic values, content, hazards and use of drugs and devices;

"(h) The monitoring of therapeutic response or adverse effect to drug therapy;

"(i) The optimizing of drug therapy through the practice of clinical pharmacy;

"(j) Patient care services, including medication therapy management and comprehensive medication review;

"(k) The offering or performing of those acts, services, operations or transactions necessary in the conduct, operation, management and control of pharmacy;

"(L) The prescribing and administering of injectable hormonal contraceptives and the prescribing and dispensing of self-administered hormonal contraceptives pursuant to ORS 689.689;

"(m) The prescribing and dispensing of emergency refills of insulin and associated insulin-related devices and supplies pursuant to ORS 689.696;

"(n) The prescribing, dispensing and administering of preexposure prophylactic antiretroviral therapies and post-exposure prophylactic antiretroviral therapies, pursuant to ORS 689.704 and rules adopted by the board under ORS 689.645 and 689.704; **and**

"(o) The delegation of tasks to other health care providers who are appropriately trained and authorized to perform the delegated tasks[*; and*]

"[*(p) The testing for severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) and the prescribing, dispensing and administering of treatment for SARS-CoV-2 pursuant to section 4 of this 2024 Act and rules adopted by the board pursuant to section 4 of this 2024 Act*].

"(30) 'Practitioner' means a person licensed and operating within the scope of such license to prescribe, dispense, conduct research with respect to or administer drugs in the course of professional practice or research:

"(a) In this state; or

"(b) In another state or territory of the United States if the person does not reside in Oregon and is registered under the federal Controlled Substances Act.

"(31) 'Preceptor' means a pharmacist or a person licensed by the board to supervise the internship training of a licensed intern.

"(32) 'Prescription drug' or 'legend drug' means a drug that is:

"(a) Required by federal law, prior to being dispensed or delivered, to be labeled with either of the following statements:

"(A) 'Caution: Federal law prohibits dispensing without prescription'; or

"(B) 'Caution: Federal law restricts this drug to use by or on the order of a licensed veterinarian'; or

"(b) Required by any applicable federal or state law or regulation to be dispensed on prescription only or is restricted to use by practitioners only.

"(33) 'Prescription' or 'prescription drug order' means a written, oral or electronically transmitted direction, given by a practitioner authorized to prescribe drugs, for the preparation and use of a drug. When the context requires, 'prescription' also means the drug prepared under such written, oral or electronically transmitted direction.

"(34) 'Retail drug outlet' means a place used for the conduct of the retail sale, administering or dispensing or compounding of drugs or chemicals or for the administering or dispensing of prescriptions and licensed by the board as a place where the practice of pharmacy may lawfully occur.

"(35) 'Self-administered hormonal contraceptive' means a drug composed of a hormone or a combination of hormones that is approved by the United States Food and Drug Administration to prevent pregnancy and that the patient to whom the drug is prescribed may administer to oneself. 'Self-administered hormonal contraceptive' includes, but is not limited to, hormonal contraceptive patches and hormonal contraceptive pills.

"(36) 'Third-party logistics provider' means an entity that:

"(a) Provides or coordinates warehousing of, or other logistics services for, a product in interstate commerce on behalf of a manufacturer, wholesale distributor or dispenser of the product; and

"(b) Does not take ownership of, or have responsibility to direct the sale or disposition of, the product.

"(37) 'Unit dose' means a sealed single-unit container so designed that the contents are administered to the patient as a single dose, direct from the container. Each unit dose container must bear a separate label, be labeled with the name and strength of the medication, the name of the manufacturer or distributor, an identifying lot number and, if applicable, the expiration date of the medication.

"(38) 'Wholesale distributor drug outlet' means a person, other than a manufacturer, manufacturer's colicensed partner, third-party logistics provider or repackager, as defined in 21 U.S.C. 360eee(16), that is engaged in wholesale distribution, as defined in 21 U.S.C. 353(e)(4).

"SECTION 7. ORS 743A.051 is amended to read:

"743A.051. **(1)** Notwithstanding any provisions of a health benefit plan as defined in ORS 743B.005, whenever the plan provides for payment or reimbursement for a service that is within the lawful scope of practice of a pharmacist, the insurer:

"[*(1)*] **(a)** May provide payment or reimbursement for the service when the service is provided by a pharmacist; and

"[*(2)*] **(b)** Shall provide, in the same manner as would be provided for any other health care provider, payment or reimbursement for:

"[*(a)(A)*] **(A)(i)** The prescription of emergency refills of insulin and associated insulin-related devices and supplies as described in ORS 689.696; and

"[*(B)*] **(ii)** The service provided by the pharmacist;

"[*(b)(A)*] **(B)(i)** The prescription, dispensation and administration of pre-exposure and post-exposure prophylactic antiretroviral therapies pursuant to ORS 689.704 and any rules adopted by the State Board of Pharmacy under

ORS 689.645 and 689.704; and

"[*(B)*] **(ii)** The service provided by the pharmacist; [*and*]

"**(C)(i) The testing for severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) and the prescribing, dispensing and administering of treatment for SARS-CoV-2 pursuant to section 4 of this 2024 Act; and**

"(ii) The service provided by the pharmacist; and

"[*(c)(A)*] **(D)(i)** The prescription and dispensation of other prescription drugs by a licensed pharmacist if the State Board of Pharmacy or any state law authorizes the drug to be prescribed and dispensed by pharmacists licensed under ORS chapter 689; and

"[*(B)*] **(ii)** The service provided by the pharmacist.

"[*(3)*] **(2)** This section is exempt from ORS 743A.001.

"SECTION 8. ORS 743A.051, as amended by section 7 of this 2024 Act, is amended to read:

"743A.051. (1) Notwithstanding any provisions of a health benefit plan as defined in ORS 743B.005, whenever the plan provides for payment or reimbursement for a service that is within the lawful scope of practice of a pharmacist, the insurer:

"(a) May provide payment or reimbursement for the service when the service is provided by a pharmacist; and

"(b) Shall provide, in the same manner as would be provided for any other health care provider, payment or reimbursement for:

"(A)(i) The prescription of emergency refills of insulin and associated insulin-related devices and supplies as described in ORS 689.696; and

"(ii) The service provided by the pharmacist;

"(B)(i) The prescription, dispensation and administration of preexposure and post-exposure prophylactic antiretroviral therapies pursuant to ORS 689.704 and any rules adopted by the State Board of Pharmacy under ORS 689.645 and 689.704; and

"(ii) The service provided by the pharmacist; **and**

"[*(C)(i) The testing for severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) and the prescribing, dispensing and administering of treatment for SARS-CoV-2 pursuant to section 4 of this 2024 Act; and*]

"[*(ii) The service provided by the pharmacist; and*]

"[*(D)(i)*] **(C)(i)** The prescription and dispensation of other prescription drugs by a licensed pharmacist if the State Board of Pharmacy or any state law authorizes the drug to be prescribed and dispensed by pharmacists licensed under ORS chapter 689; and

"(ii) The service provided by the pharmacist.

"(2) This section is exempt from ORS 743A.001.

"SECTION 9. ORS 243.144 is amended to read:

"243.144. Benefit plans offered by the Public Employees' Benefit Board that reimburse the cost of medical and other health services and supplies must comply with the requirements for health benefit plan coverage described in:

"(1) ORS 743A.058;

"(2) ORS 743A.140;

"(3) ORS 743A.141;

"(4) ORS 743B.256;

"(5) ORS 743B.287 (4);

"(6) ORS 743B.420;

"(7) ORS 743B.423;

"(8) ORS 743B.601;

"(9) ORS 743B.810; [*and*]

"(10) ORS 743A.325**; and**

"(11) ORS 743A.051 (2)(c).

"SECTION 10. ORS 243.144, as amended by section 9 of this 2024 Act, is amended to read:

"243.144. Benefit plans offered by the Public Employees' Benefit Board

that reimburse the cost of medical and other health services and supplies must comply with the requirements for health benefit plan coverage described in:

"(1) ORS 743A.058;

"(2) ORS 743A.140;

"(3) ORS 743A.141;

"(4) ORS 743B.256;

"(5) ORS 743B.287 (4);

"(6) ORS 743B.420;

"(7) ORS 743B.423;

"(8) ORS 743B.601;

"(9) ORS 743B.810; **and**

"(10) ORS 743A.325[*; and*]

"[*(11) ORS 743A.051 (2)(c)*].

"SECTION 11. ORS 243.877 is amended to read:

"243.877. Benefit plans offered by the Oregon Educators Benefit Board that reimburse the cost of medical and other health services and supplies must comply with the requirements for health benefit plan coverage described in:

"(1) ORS 743A.058;

"(2) ORS 743A.140;

"(3) ORS 743A.141;

"(4) ORS 743B.256;

"(5) ORS 743B.287 (4);

"(6) ORS 743B.420;

"(7) ORS 743B.423;

"(8) ORS 743B.601;

"(9) ORS 743B.810; [*and*]

"(10) ORS 743A.325[.]**; and**

"(11) ORS 743A.051 (2)(c).

"SECTION 12. ORS 243.877, as amended by section 11 of this 2024 Act, is amended to read:

"243.877. Benefit plans offered by the Oregon Educators Benefit Board that reimburse the cost of medical and other health services and supplies must comply with the requirements for health benefit plan coverage described in:

"(1) ORS 743A.058;

"(2) ORS 743A.140;

"(3) ORS 743A.141;

"(4) ORS 743B.256;

"(5) ORS 743B.287 (4);

"(6) ORS 743B.420;

"(7) ORS 743B.423;

"(8) ORS 743B.601;

"(9) ORS 743B.810; **and**

"(10) ORS 743A.325[*; and*]

"[*(11) ORS 743A.051 (2)(c)*].

"SECTION 13. The amendments to ORS 243.144, 243.877, 689.005 and 743A.051 by sections 6, 8, 10 and 12 of this 2024 Act become operative on June 30, 2026.

"SECTION 14. (1) The amendments to ORS 243.144 by section 9 of this 2024 Act apply to benefit plans issued, renewed or extended on or after October 1, 2024.

"(2) The amendments to ORS 243.877 by section 11 of this 2024 Act apply to benefit plans issued, renewed or extended on or after October 1, 2024.

"(3) The amendments to ORS 743A.051 by section 7 of this 2024 Act apply to health benefit plans issued, renewed or extended on or after October 1, 2024.

"SECTION 15. Sections 2 and 4 of this 2024 Act are repealed on June

30, 2026.

"SECTION 16. (1) Sections 2 and 4 of this 2024 Act and the amendments to ORS 243.144, 243.877, 689.005 and 743A.051 by sections 5, 7, 9 and 11 of this 2024 Act become operative on October 1, 2024.

"(2) The Oregon Health Authority, the Oregon Educators Benefit Board, the Public Employees' Benefit Board and the State Board of Pharmacy may take any action before the operative date specified in this section that is necessary to enable the authority and the boards to exercise, on or after the operative date specified in subsection (1) of this section, all of the duties, functions and powers conferred on the authority and the boards by sections 2 and 4 of this 2024 Act and the amendments to ORS 243.144, 243.877, 689.005 and 743A.051 by sections 5, 7, 9 and 11 of this 2024 Act.

"SECTION 17. This 2024 Act takes effect on the 91st day after the date on which the 2024 regular session of the Eighty-second Legislative Assembly adjourns sine die.".
