

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

Requested by SENATE COMMITTEE ON HEALTH CARE

**PROPOSED AMENDMENTS TO
SENATE BILL 1506**

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

3 Delete lines 6 through 8 and insert:

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

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

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

16 **“(2) When testing for SARS-CoV-2, a pharmacist may use:**

17 **“(a) A screening procedure that can be safely performed by a**
18 **pharmacist; and**

19 **“(b) A test that:**

20 **“(A) Guides the pharmacist’s clinical decision-making;**

21 **“(B) Is determined by the Centers for Medicare and Medicaid Ser-**

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

6 **“(C) Is approved by the board by rule for use under this section.**

7 **“(3) A pharmacist may delegate to a pharmacy technician or an**
8 **intern under the pharmacist’s supervision the administrative and**
9 **technical tasks of performing a task described in subsection (2) of this**
10 **section.**

11 **“(4) The board may adopt rules as necessary to carry out this sec-**
12 **tion.**

13 **“SECTION 5. ORS 689.005 is amended to read:**

14 **“689.005. As used in this chapter:**

15 **“(1) ‘Administer’ means the direct application of a drug or device whether**
16 **by injection, inhalation, ingestion, or any other means, to the body of a pa-**
17 **tient or research subject by:**

18 **“(a) A practitioner or the practitioner’s authorized agent; or**

19 **“(b) The patient or research subject at the direction of the practitioner.**

20 **“(2) ‘Approved continuing pharmacy education program’ means those**
21 **seminars, classes, meetings, workshops and other educational programs on**
22 **the subject of pharmacy approved by the State Board of Pharmacy.**

23 **“(3) ‘Clinical pharmacy agreement’ means an agreement between a**
24 **pharmacist or pharmacy and a health care organization or a physician as**
25 **defined in ORS 677.010 or a naturopathic physician as defined in ORS 685.010**
26 **that permits the pharmacist to engage in the practice of clinical pharmacy**
27 **for the benefit of the patients of the health care organization, physician or**
28 **naturopathic physician.**

29 **“(4) ‘Continuing pharmacy education’ means:**

30 **“(a) Professional, pharmaceutical post-graduate education in the general**

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

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

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

4 “(5) ‘Continuing pharmacy education unit’ means the unit of measurement
5 of credits for approved continuing education courses and programs.

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

9 “(7) ‘Device’ means an instrument, apparatus, implement, machine,
10 contrivance, implant, in vitro reagent or other similar or related article, in-
11 cluding any component part or accessory, which is required under federal
12 or state law to be prescribed by a practitioner and dispensed by a
13 pharmacist.

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

18 “(9) ‘Distribute’ means the delivery of a drug other than by administering
19 or dispensing.

20 “(10) ‘Drug’ means:

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

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

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

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

30 “(11) ‘Drug order’ means a written order, in a hospital or other inpatient

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

5 “(12) ‘Drug outlet’ means a pharmacy, nursing home, shelter home,
6 convalescent home, extended care facility, drug abuse treatment center, penal
7 institution, hospital, family planning clinic, student health center, retail
8 store, wholesaler, manufacturer, mail-order vendor or other establishment
9 with facilities located within or out of this state that is engaged in dis-
10 pensing, delivery or distribution of drugs within this state.

11 “(13) ‘Drug room’ means a secure and lockable location within an inpa-
12 tient care facility that does not have a licensed pharmacy.

13 “(14) ‘Electronically transmitted’ or ‘electronic transmission’ means a
14 communication sent or received through technological apparatuses, including
15 computer terminals or other equipment or mechanisms linked by telephone
16 or microwave relays, or similar apparatus having electrical, digital, mag-
17 netic, wireless, optical, electromagnetic or similar capabilities.

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

22 “(16) ‘Institutional drug outlet’ means hospitals and inpatient care facili-
23 ties where medications are dispensed to another health care professional for
24 administration to patients served by the hospitals or facilities.

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

28 “(18) ‘Internship’ means a professional experiential program approved by
29 the board under the supervision of a licensed pharmacist registered with the
30 board as a preceptor.

1 “(19) ‘Labeling’ means the process of preparing and affixing of a label to
2 any drug container exclusive, however, of the labeling by a manufacturer,
3 packer or distributor of a nonprescription drug or commercially packaged
4 legend drug or device.

5 “(20) ‘Manufacture’ means the production, preparation, propagation, com-
6 pounding, conversion or processing of a device or a drug, either directly or
7 indirectly by extraction from substances of natural origin or independently
8 by means of chemical synthesis or by a combination of extraction and
9 chemical synthesis and includes any packaging or repackaging of the sub-
10 stances or labeling or relabeling of its container, except that this term does
11 not include the preparation or compounding of a drug by an individual for
12 their own use or the preparation, compounding, packaging or labeling of a
13 drug:

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

16 “(b) By a practitioner or by the practitioner’s authorization under super-
17 vision of the practitioner for the purpose of or as an incident to research,
18 teaching or chemical analysis and not for sale.

19 “(21) ‘Manufacturer’ means a person engaged in the manufacture of drugs.

20 “(22) ‘Nonprescription drug outlet’ means a business or other establish-
21 ment that is open to the general public for the sale or nonprofit distribution
22 of nonprescription drugs and is registered under ORS 689.305.

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

27 “(24) ‘Person’ means an individual, corporation, partnership, association
28 or other legal entity.

29 “(25) ‘Pharmacist’ means an individual licensed by this state to engage in
30 the practice of pharmacy or to engage in the practice of clinical pharmacy.

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

7 “(27) ‘Pharmacy technician’ means a person licensed by the board who
8 assists in the practice of pharmacy pursuant to rules of the board.

9 “(28) ‘Practice of clinical pharmacy’ means:

10 “(a) The health science discipline in which, in conjunction with the
11 patient’s other practitioners, a pharmacist provides patient care to optimize
12 medication therapy and to promote disease prevention and the patient’s
13 health and wellness;

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

16 “(c) The practice of pharmacy by a pharmacist pursuant to a clinical
17 pharmacy agreement.

18 “(29) ‘Practice of pharmacy’ means:

19 “(a) The interpretation and evaluation of prescription orders;

20 “(b) The compounding, dispensing and labeling of drugs and devices, ex-
21 cept labeling by a manufacturer, packer or distributor of nonprescription
22 drugs and commercially packaged legend drugs and devices;

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

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

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

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

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

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

2 “(h) The monitoring of therapeutic response or adverse effect to drug
3 therapy;

4 “(i) The optimizing of drug therapy through the practice of clinical
5 pharmacy;

6 “(j) Patient care services, including medication therapy management and
7 comprehensive medication review;

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

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

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

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

20 “(o) The delegation of tasks to other health care providers who are ap-
21 propriately trained and authorized to perform the delegated tasks[.]; **and**

22 **“(p) The testing for severe acute respiratory syndrome coronavirus**
23 **2 (SARS-CoV-2) and the prescribing, dispensing and administering of**
24 **treatment for SARS-CoV-2 pursuant to section 4 of this 2024 Act and**
25 **rules adopted by the board pursuant to section 4 of this 2024 Act.**

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

29 “(a) In this state; or

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

1 not reside in Oregon and is registered under the federal Controlled Sub-
2 stances Act.

3 “(31) ‘Preceptor’ means a pharmacist or a person licensed by the board to
4 supervise the internship training of a licensed intern.

5 “(32) ‘Prescription drug’ or ‘legend drug’ means a drug that is:

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

8 “(A) ‘Caution: Federal law prohibits dispensing without prescription’; or

9 “(B) ‘Caution: Federal law restricts this drug to use by or on the order
10 of a licensed veterinarian’; or

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

13 “(33) ‘Prescription’ or ‘prescription drug order’ means a written, oral or
14 electronically transmitted direction, given by a practitioner authorized to
15 prescribe drugs, for the preparation and use of a drug. When the context
16 requires, ‘prescription’ also means the drug prepared under such written, oral
17 or electronically transmitted direction.

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

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

28 “(36) ‘Third-party logistics provider’ means an entity that:

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

1 distributor or dispenser of the product; and

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

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

10 “(38) ‘Wholesale distributor drug outlet’ means a person, other than a
11 manufacturer, manufacturer’s colicensed partner, third-party logistics pro-
12 vider or repackager, as defined in 21 U.S.C. 360eee(16), that is engaged in
13 wholesale distribution, as defined in 21 U.S.C. 353(e)(4).

14 **“SECTION 6.** ORS 689.005, as amended by section 5 of this 2024 Act, is
15 amended to read:

16 “689.005. As used in this chapter:

17 “(1) ‘Administer’ means the direct application of a drug or device whether
18 by injection, inhalation, ingestion, or any other means, to the body of a pa-
19 tient or research subject by:

20 “(a) A practitioner or the practitioner’s authorized agent; or

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

22 “(2) ‘Approved continuing pharmacy education program’ means those
23 seminars, classes, meetings, workshops and other educational programs on
24 the subject of pharmacy approved by the State Board of Pharmacy.

25 “(3) ‘Clinical pharmacy agreement’ means an agreement between a
26 pharmacist or pharmacy and a health care organization or a physician as
27 defined in ORS 677.010 or a naturopathic physician as defined in ORS 685.010
28 that permits the pharmacist to engage in the practice of clinical pharmacy
29 for the benefit of the patients of the health care organization, physician or
30 naturopathic physician.

1 “(4) ‘Continuing pharmacy education’ means:
2 “(a) Professional, pharmaceutical post-graduate education in the general
3 areas of socio-economic and legal aspects of health care;
4 “(b) The properties and actions of drugs and dosage forms; and
5 “(c) The etiology, characteristics and therapeutics of the disease state.
6 “(5) ‘Continuing pharmacy education unit’ means the unit of measurement
7 of credits for approved continuing education courses and programs.
8 “(6) ‘Deliver’ or ‘delivery’ means the actual, constructive or attempted
9 transfer of a drug or device other than by administration from one person
10 to another, whether or not for a consideration.
11 “(7) ‘Device’ means an instrument, apparatus, implement, machine,
12 contrivance, implant, in vitro reagent or other similar or related article, in-
13 cluding any component part or accessory, which is required under federal
14 or state law to be prescribed by a practitioner and dispensed by a
15 pharmacist.
16 “(8) ‘Dispense’ or ‘dispensing’ means the preparation and delivery of a
17 prescription drug pursuant to a lawful order of a practitioner in a suitable
18 container appropriately labeled for subsequent administration to or use by
19 a patient or other individual entitled to receive the prescription drug.
20 “(9) ‘Distribute’ means the delivery of a drug other than by administering
21 or dispensing.
22 “(10) ‘Drug’ means:
23 “(a) Articles recognized as drugs in the official United States
24 Pharmacopoeia, official National Formulary, official Homeopathic
25 Pharmacopoeia, other drug compendium or any supplement to any of them;
26 “(b) Articles intended for use in the diagnosis, cure, mitigation, treatment
27 or prevention of disease in a human or other animal;
28 “(c) Articles, other than food, intended to affect the structure or any
29 function of the body of humans or other animals; and
30 “(d) Articles intended for use as a component of any articles specified in

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

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

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

13 “(13) ‘Drug room’ means a secure and lockable location within an inpa-
14 tient care facility that does not have a licensed pharmacy.

15 “(14) ‘Electronically transmitted’ or ‘electronic transmission’ means a
16 communication sent or received through technological apparatuses, including
17 computer terminals or other equipment or mechanisms linked by telephone
18 or microwave relays, or similar apparatus having electrical, digital, mag-
19 netic, wireless, optical, electromagnetic or similar capabilities.

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

24 “(16) ‘Institutional drug outlet’ means hospitals and inpatient care facili-
25 ties where medications are dispensed to another health care professional for
26 administration to patients served by the hospitals or facilities.

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

30 “(18) ‘Internship’ means a professional experiential program approved by

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

3 “(19) ‘Labeling’ means the process of preparing and affixing of a label to
4 any drug container exclusive, however, of the labeling by a manufacturer,
5 packer or distributor of a nonprescription drug or commercially packaged
6 legend drug or device.

7 “(20) ‘Manufacture’ means the production, preparation, propagation, com-
8 pounding, conversion or processing of a device or a drug, either directly or
9 indirectly by extraction from substances of natural origin or independently
10 by means of chemical synthesis or by a combination of extraction and
11 chemical synthesis and includes any packaging or repackaging of the sub-
12 stances or labeling or relabeling of its container, except that this term does
13 not include the preparation or compounding of a drug by an individual for
14 their own use or the preparation, compounding, packaging or labeling of a
15 drug:

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

18 “(b) By a practitioner or by the practitioner’s authorization under super-
19 vision of the practitioner for the purpose of or as an incident to research,
20 teaching or chemical analysis and not for sale.

21 “(21) ‘Manufacturer’ means a person engaged in the manufacture of drugs.

22 “(22) ‘Nonprescription drug outlet’ means a business or other establish-
23 ment that is open to the general public for the sale or nonprofit distribution
24 of nonprescription drugs and is registered under ORS 689.305.

25 “(23) ‘Nonprescription drugs’ means drugs that may be sold without a
26 prescription and that are prepackaged for use by the consumer and labeled
27 in accordance with the requirements of the statutes and regulations of this
28 state and the federal government.

29 “(24) ‘Person’ means an individual, corporation, partnership, association
30 or other legal entity.

1 “(25) ‘Pharmacist’ means an individual licensed by this state to engage in
2 the practice of pharmacy or to engage in the practice of clinical pharmacy.

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

9 “(27) ‘Pharmacy technician’ means a person licensed by the board who
10 assists in the practice of pharmacy pursuant to rules of the board.

11 “(28) ‘Practice of clinical pharmacy’ means:

12 “(a) The health science discipline in which, in conjunction with the
13 patient’s other practitioners, a pharmacist provides patient care to optimize
14 medication therapy and to promote disease prevention and the patient’s
15 health and wellness;

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

18 “(c) The practice of pharmacy by a pharmacist pursuant to a clinical
19 pharmacy agreement.

20 “(29) ‘Practice of pharmacy’ means:

21 “(a) The interpretation and evaluation of prescription orders;

22 “(b) The compounding, dispensing and labeling of drugs and devices, ex-
23 cept labeling by a manufacturer, packer or distributor of nonprescription
24 drugs and commercially packaged legend drugs and devices;

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

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

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

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

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

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

4 “(h) The monitoring of therapeutic response or adverse effect to drug
5 therapy;

6 “(i) The optimizing of drug therapy through the practice of clinical
7 pharmacy;

8 “(j) Patient care services, including medication therapy management and
9 comprehensive medication review;

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

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

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

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

22 “(o) The delegation of tasks to other health care providers who are ap-
23 propriately trained and authorized to perform the delegated tasks[; *and*]

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

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

1 “(a) In this state; or

2 “(b) In another state or territory of the United States if the person does
3 not reside in Oregon and is registered under the federal Controlled Sub-
4 stances Act.

5 “(31) ‘Preceptor’ means a pharmacist or a person licensed by the board to
6 supervise the internship training of a licensed intern.

7 “(32) ‘Prescription drug’ or ‘legend drug’ means a drug that is:

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

10 “(A) ‘Caution: Federal law prohibits dispensing without prescription’; or

11 “(B) ‘Caution: Federal law restricts this drug to use by or on the order
12 of a licensed veterinarian’; or

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

15 “(33) ‘Prescription’ or ‘prescription drug order’ means a written, oral or
16 electronically transmitted direction, given by a practitioner authorized to
17 prescribe drugs, for the preparation and use of a drug. When the context
18 requires, ‘prescription’ also means the drug prepared under such written, oral
19 or electronically transmitted direction.

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

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

30 “(36) ‘Third-party logistics provider’ means an entity that:

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

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

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

12 “(38) ‘Wholesale distributor drug outlet’ means a person, other than a
13 manufacturer, manufacturer’s colicensed partner, third-party logistics pro-
14 vider or repackager, as defined in 21 U.S.C. 360eee(16), that is engaged in
15 wholesale distribution, as defined in 21 U.S.C. 353(e)(4).

16 **“SECTION 7.** ORS 743A.051 is amended to read:

17 “743A.051. (1) Notwithstanding any provisions of a health benefit plan as
18 defined in ORS 743B.005, whenever the plan provides for payment or re-
19 imbursement for a service that is within the lawful scope of practice of a
20 pharmacist, the insurer:

21 “[1] (a) May provide payment or reimbursement for the service when the
22 service is provided by a pharmacist; and

23 “[2] (b) Shall provide, in the same manner as would be provided for any
24 other health care provider, payment or reimbursement for:

25 “[a)(A)] (A)(i) The prescription of emergency refills of insulin and asso-
26 ciated insulin-related devices and supplies as described in ORS 689.696; and

27 “[B)] (ii) The service provided by the pharmacist;

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

1 ORS 689.645 and 689.704; and

2 “[B] (ii) The service provided by the pharmacist; [and]

3 “(C)(i) **The testing for severe acute respiratory syndrome**
4 **coronavirus 2 (SARS-CoV-2) and the prescribing, dispensing and ad-**
5 **ministering of treatment for SARS-CoV-2 pursuant to section 4 of this**
6 **2024 Act; and**

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

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

12 “[B] (ii) The service provided by the pharmacist.

13 “[3] (2) This section is exempt from ORS 743A.001.

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

16 “743A.051. (1) Notwithstanding any provisions of a health benefit plan as
17 defined in ORS 743B.005, whenever the plan provides for payment or re-
18 imbursement for a service that is within the lawful scope of practice of a
19 pharmacist, the insurer:

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

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

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

26 “(ii) The service provided by the pharmacist;

27 “(B)(i) The prescription, dispensation and administration of preexposure
28 and post-exposure prophylactic antiretroviral therapies pursuant to ORS
29 689.704 and any rules adopted by the State Board of Pharmacy under ORS
30 689.645 and 689.704; and

1 “(ii) The service provided by the pharmacist; **and**
2 “[*(C)(i) The testing for severe acute respiratory syndrome coronavirus 2*
3 *(SARS-CoV-2) and the prescribing, dispensing and administering of treatment*
4 *for SARS-CoV-2 pursuant to section 4 of this 2024 Act; and*]

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

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

10 “(ii) The service provided by the pharmacist.

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

12 **“SECTION 9.** ORS 243.144 is amended to read:

13 “243.144. Benefit plans offered by the Public Employees’ Benefit Board
14 that reimburse the cost of medical and other health services and supplies
15 must comply with the requirements for health benefit plan coverage de-
16 scribed in:

17 “(1) ORS 743A.058;

18 “(2) ORS 743A.140;

19 “(3) ORS 743A.141;

20 “(4) ORS 743B.256;

21 “(5) ORS 743B.287 (4);

22 “(6) ORS 743B.420;

23 “(7) ORS 743B.423;

24 “(8) ORS 743B.601;

25 “(9) ORS 743B.810; [*and*]

26 “(10) ORS 743A.325; **and**

27 **“(11) ORS 743A.051 (2)(c).**

28 **“SECTION 10.** ORS 243.144, as amended by section 9 of this 2024 Act, is
29 amended to read:

30 “243.144. Benefit plans offered by the Public Employees’ Benefit Board

1 that reimburse the cost of medical and other health services and supplies
2 must comply with the requirements for health benefit plan coverage de-
3 scribed in:

4 “(1) ORS 743A.058;

5 “(2) ORS 743A.140;

6 “(3) ORS 743A.141;

7 “(4) ORS 743B.256;

8 “(5) ORS 743B.287 (4);

9 “(6) ORS 743B.420;

10 “(7) ORS 743B.423;

11 “(8) ORS 743B.601;

12 “(9) ORS 743B.810; **and**

13 “(10) ORS 743A.325[; *and*]

14 “[*(11) ORS 743A.051 (2)(c)*].

15 **“SECTION 11.** ORS 243.877 is amended to read:

16 “243.877. Benefit plans offered by the Oregon Educators Benefit Board
17 that reimburse the cost of medical and other health services and supplies
18 must comply with the requirements for health benefit plan coverage de-
19 scribed in:

20 “(1) ORS 743A.058;

21 “(2) ORS 743A.140;

22 “(3) ORS 743A.141;

23 “(4) ORS 743B.256;

24 “(5) ORS 743B.287 (4);

25 “(6) ORS 743B.420;

26 “(7) ORS 743B.423;

27 “(8) ORS 743B.601;

28 “(9) ORS 743B.810; [*and*]

29 “(10) ORS 743A.325[.]; **and**

30 **“(11) ORS 743A.051 (2)(c).**

1 **“SECTION 12.** ORS 243.877, as amended by section 11 of this 2024 Act,
2 is amended to read:

3 “243.877. Benefit plans offered by the Oregon Educators Benefit Board
4 that reimburse the cost of medical and other health services and supplies
5 must comply with the requirements for health benefit plan coverage de-
6 scribed in:

7 “(1) ORS 743A.058;

8 “(2) ORS 743A.140;

9 “(3) ORS 743A.141;

10 “(4) ORS 743B.256;

11 “(5) ORS 743B.287 (4);

12 “(6) ORS 743B.420;

13 “(7) ORS 743B.423;

14 “(8) ORS 743B.601;

15 “(9) ORS 743B.810; **and**

16 “(10) ORS 743A.325[; *and*]

17 “[(11) ORS 743A.051 (2)(c)].

18 **“SECTION 13.** The amendments to ORS 243.144, 243.877, 689.005 and
19 743A.051 by sections 6, 8, 10 and 12 of this 2024 Act become operative
20 on June 30, 2026.

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

24 “(2) The amendments to ORS 243.877 by section 11 of this 2024 Act
25 apply to benefit plans issued, renewed or extended on or after October
26 1, 2024.

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

30 **“SECTION 15.** Sections 2 and 4 of this 2024 Act are repealed on June

1 30, 2026.

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

5 **“(2) The Oregon Health Authority, the Oregon Educators Benefit**
6 **Board, the Public Employees’ Benefit Board and the State Board of**
7 **Pharmacy may take any action before the operative date specified in**
8 **this section that is necessary to enable the authority and the boards**
9 **to exercise, on or after the operative date specified in subsection (1)**
10 **of this section, all of the duties, functions and powers conferred on the**
11 **authority and the boards by sections 2 and 4 of this 2024 Act and the**
12 **amendments to ORS 243.144, 243.877, 689.005 and 743A.051 by sections**
13 **5, 7, 9 and 11 of this 2024 Act.**

14 **“SECTION 17. This 2024 Act takes effect on the 91st day after the**
15 **date on which the 2024 regular session of the Eighty-second Legislative**
16 **Assembly adjourns sine die.”.**

17
