

Enrolled
House Bill 2385

Sponsored by Representative NOSSE, Senator PATTERSON; Representatives DIEHL, GAMBA, GOMBERG, JAVADI, PHAM H, Senator MANNING JR (Pre-session filed.)

CHAPTER

AN ACT

Relating to restrictions on 340B covered entities; and prescribing an effective date.

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

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

- (a) "Covered entity" has the meaning given that term in 42 U.S.C. 256b(a)(4).
- (b) "Manufacturer" has the meaning given that term in ORS 646A.689.
- (c) "340B drug" means a drug that has been subject to an offer of a reduced price by a manufacturer pursuant to 42 U.S.C. 256b and is purchased by a covered entity.
- (d) "Utilization review" has the meaning given that term in ORS 743B.001.

(2) A manufacturer or third party on behalf of a manufacturer may not:

(a) Deny, restrict, prohibit or otherwise interfere directly or indirectly with the acquisition of a 340B drug, delivery of a 340B drug to or dispensation of a 340B drug by a pharmacy that has contracted with a covered entity to receive and dispense 340B drugs on behalf of the covered entity in this state unless the acquisition delivery or dispensation is prohibited by the United States Department of Health and Human Services.

(b) Require, either directly or indirectly, a covered entity to submit a claim or utilization review data as a condition for the acquisition of a 340B drug by, delivery of a 340B drug to or dispensation of a 340B drug by a pharmacy that has contracted with a covered entity to receive and dispense 340B drugs on behalf of the covered entity in this state unless the claims or utilization review data submission is required by the United States Department of Health and Human Services.

SECTION 2. (1) In addition to any other liability or penalty provided by law, the State Board of Pharmacy may impose a civil penalty for any violation of section 1 of this 2025 Act. A civil penalty imposed under this section may not exceed \$5,000 per day on a manufacturer for each violation.

(2) All penalties recovered under this section shall be deposited into the State Board of Pharmacy Account established in ORS 689.139.

(3) Any civil penalty under this section shall be imposed in the manner provided in ORS 183.745.

SECTION 3. This 2025 Act takes effect on the 91st day after the date on which the 2025 regular session of the Eighty-third Legislative Assembly adjourns sine die.

Passed by House April 14, 2025

Repassed by House June 2, 2025

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Timothy G. Sekerak, Chief Clerk of House

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Julie Fahey, Speaker of House

Passed by Senate May 28, 2025

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Rob Wagner, President of Senate

Received by Governor:

.....M.,....., 2025

Approved:

.....M.,....., 2025

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Tina Kotek, Governor

Filed in Office of Secretary of State:

.....M.,....., 2025

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Tobias Read, Secretary of State