

**SENATE MINORITY REPORT
AMENDMENTS TO
A-ENGROSSED HOUSE BILL 2385**

By Nonconcurring Members of COMMITTEE ON HEALTH CARE

May 23

1 On page 1 of the printed A-engrossed bill, after line 21, insert:

2 “**SECTION 2.** Section 3 of this 2025 Act is added to and made a part of ORS chapter 411.

3 “**SECTION 3.** (1) As used in this section:

4 “(a) ‘Covered entity’ and ‘340B drug’ have the meanings given those terms in section 1
5 of this 2025 Act.

6 “(b) ‘Out-of-pocket cost’ means the portion of costs for services an individual is respon-
7 sible for paying, including a deductible or copayment.

8 “(c) ‘340B drug profit’ means the difference between total payment received by a covered
9 entity for all 340B drugs and the total acquisition cost the covered entity paid for 340B drugs.

10 “(2) A covered entity in this state shall utilize 340B drug profits as follows:

11 “(a) For individuals who are not recipients of medical assistance, as defined in ORS
12 414.025, 95 percent shall be utilized to decrease the out-of-pocket costs paid by the individual.

13 “(b) For individuals who are recipients of medical assistance, as defined in ORS 414.025:

14 “(A) 90 percent shall be utilized to decrease the out-of-pocket costs paid by the individual;
15 and

16 “(B) Five percent shall be deposited in the 340B Drug Fund described in section 6 of this
17 2025 Act.

18 “(3) The Department of Human Services, in consultation with the Department of Con-
19 sumer and Business Services, the State Treasury and representatives from covered entities
20 in this state, shall ensure the money deposited into the 340B Drug Fund on behalf of the in-
21 dividual who received the 340B drug is credited to that individual’s electronic benefits
22 transfer card. Moneys transferred from the 340B Drug Fund to an individual’s electronic
23 benefits transfer card may only be utilized to purchase items described in 26 U.S.C. 213.

24 “**SECTION 4.** Section 5 of this 2025 Act is added to and made a part of the Insurance
25 Code.

26 “**SECTION 5.** (1) As used in this section ‘covered entity’ and ‘340B drug’ have the
27 meanings given those terms in section 1 of this 2025 Act.

28 “(2) On or before March 1 of each year, all covered entities in this state shall report to
29 the Department of Consumer and Business Services, in the form and manner prescribed by
30 the department, the following information:

31 “(a) For each form of reimbursement, including but not limited to insurance, self-pay,
32 Medicare and the state-managed medical assistance program:

33 “(A) Aggregated acquisition costs for all 340B drugs;

34 “(B) Aggregated payments received;

1 “(C) The total number of prescriptions and the percentage of the covered entity’s pre-
2 criptions that were 340B drugs; and

3 “(D) The percentage of individuals utilizing a sliding fee scale for the purchase of 340B
4 drugs.

5 “(b) The total operating costs for the covered entity and an itemized list of costs for:

6 “(A) Implementing the transfer of 340B drug profits to individuals in the form of lower
7 cost-sharing for 340B drugs;

8 “(B) Implementing a sliding fee scale for the purchase of 340B drugs; and

9 “(C) 340B drugs provided with no payment or reimbursement received by the covered
10 entity.

11 “(c) The total payments made to:

12 “(A) Pharmacies that have contracted with the covered entity for 340B drug program
13 related services and other functions;

14 “(B) Third-party administrators for managing any components of the covered entity’s
15 340B drug program; and

16 “(C) Any other third party for costs associated with the 340B drug program, including
17 compliance, legal, education and administrative costs.

18 “(d) The following information regarding 340B drug pharmacies that the covered entity
19 has contracted with:

20 “(A) The total number of 340B drug pharmacies and number of out-of-state pharmacies;

21 “(B) The total number of prescriptions and the percentage of the covered entity’s pre-
22 scriptions that were filled at pharmacies, and whether those pharmacies are located in this
23 state or out-of-state;

24 “(C) The total reimbursement paid to pharmacies or an affiliated third party for any
25 service related to the 340B drug program performed on behalf of the covered entity; and

26 “(D) The percentage change from the previous year in total reimbursement paid to
27 pharmacies or a third-party affiliate for any service related to the 340B drug program per-
28 formed on behalf of the covered entity.

29 “(3) No later than June 1 of each year, the department shall publish on the department’s
30 website the reports filed by covered entities under this section for the preceding calendar
31 year.

32 “SECTION 6. The 340B Drug Fund is established in the State Treasury, separate and
33 distinct from the General Fund. Interest earned by the 340B Drug Fund shall be credited to
34 the fund. All moneys in the fund are continuously appropriated to the Department of Human
35 Services for the purposes of carrying out the requirements established in section 3 of this
36 2025 Act.”.

37 In line 22, delete “2” and insert “7”.

38 /s/ Cedric Hayden
39 Senator

40 /s/ Diane Linthicum
41 Senator

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