Enrolled
House Bill 3045

Introduced and printed pursuant to House Rule 12.00. Presession filed (at the request of Governor Tina Kotek for State Board of Pharmacy)

CHAPTER .....

AN ACT

Relating to the State Board of Pharmacy; creating new provisions; amending ORS 689.135 and 689.995; and prescribing an effective date.

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

SECTION 1. ORS 689.135 is amended to read:

689.135. (1) The State Board of Pharmacy shall exercise the duties, powers and authority necessary to enforce this chapter and to enforce board rules adopted pursuant to this chapter, including but not limited to the following:

(a) Annual printing and circulation of copies of any changes in the laws relating to pharmacy, controlled substances, drugs and poisons and the rules adopted to enforce the laws, and establishment of reasonable charges for the copies.

(b) Appointment of advisory committees.

(2) The board may join professional organizations and associations organized exclusively to promote the improvement of the standards of the practice of pharmacy for the protection of the health and welfare of the public and whose activities assist and facilitate the work of the board.

(3) In addition to any statutory requirements, the board may require surety bonds as [*it*] **the board** deems necessary to guarantee the performance and discharge of the duties of any officer or employee receiving and disbursing funds.

(4) The executive director of the board shall keep the seal of the board and shall affix [*it*] **the seal** only in the manner prescribed by the board.

(5) The board shall determine within 30 days prior to the beginning of each state fiscal year the fees to be collected for:

(a) Examinations and reexaminations.

(b) A pharmacist license.

(c) A pharmacist license acquired through reciprocity.

(d) An intern license.

(e) A duplicate pharmacist certificate.

(f) **Annual and** late renewal of a pharmacist license.

(g) Certification of an approved provider of continuing education courses.

(h) Registration of a drug outlet other than a pharmacy and renewal of the registration.

(i) Initial registration of a pharmacy or an institutional drug outlet.

(j) Annual **and late** renewal of a pharmacy or an institutional drug outlet registration.

[*(k) Late renewal of a pharmacy or an institutional drug outlet registration.*]

[*(L)*] **(k)** Registration of a nonprescription drug outlet.

[*(m)*] **(L) Annual and** late renewal of a nonprescription drug outlet registration.

[*(n)*] **(m)** Reinspection.

[*(o)*] **(n) Annual and** late renewal of registration of a drug outlet, other than a pharmacy or an institutional drug outlet.

(6) All moneys received under ORS 435.010 to 435.130 and 453.185 and this chapter shall be paid into the State Treasury and placed to the credit of the State Board of Pharmacy Account to be used only for the administration and enforcement of ORS 435.010 to 435.130 and this chapter.

(7) The board may receive and expend funds, in addition to its biennial appropriation, from parties other than the state, provided:

(a) The moneys are awarded for the pursuit of a specific objective that the board is authorized to accomplish by this chapter, or that the board is qualified to accomplish by reason of its jurisdiction or professional expertise;

(b) The moneys are expended for the pursuit of the objective for which they are awarded;

(c) Activities connected with or occasioned by the expenditures of the funds do not interfere with or impair the performance of the board's duties and responsibilities and do not conflict with the exercise of the board's powers as specified by this chapter;

(d) The moneys are kept in a separate, special state account; and

(e) Periodic reports are made to the Governor concerning the board's receipt and expenditure of the moneys.

(8) The board may assign to each drug outlet under its jurisdiction[*,*] a uniform state number, coordinated where possible with all other states that adopt the same uniform numbering system.

(9) The board or its authorized representatives [*shall have the power to*] **may** investigate and gather evidence concerning alleged violations of [*the provisions of*] this chapter or [*of the rules of the board*] **rules adopted under this chapter**.

(10) The board may require a person under investigation for a violation of this chapter or rules adopted under this chapter to undergo a mental, physical, chemical dependency or competency evaluation at the person's expense, if the board has objectively reasonable grounds to believe that the person is or may be unable to practice pharmacy with reasonable skill and safety. The results of an evaluation conducted under this subsection must be reported to the board. The results may not be disclosed to the public, but may be received into evidence in a proceeding involving the person subjected to the evaluation, regardless of any claim of privilege by the person.

[*(10)*] **(11)** The president and vice president of the board may administer oaths in connection with the duties of the board.

[*(11)*] **(12)** The books, registers and records of the board as made and kept by the executive director, or under the supervision of the executive director, subject to the direction of the board, are prima facie evidence of the matter recorded in the books, registers and records, in any court of law.

[*(12)*] **(13)** The board may administer oaths, issue notices and subpoenas in the name of the board, enforce subpoenas in the manner authorized by ORS 183.440, hold hearings and perform such other acts as are reasonably necessary to carry out its duties under this chapter.

[*(13)(a)*] **(14)(a)** Notwithstanding anything in this chapter to the contrary, whenever a duly authorized representative of the board finds**,** or has probable cause to believe**,** that any drug or device is adulterated, misbranded **or otherwise rendered unsafe for use as a result of fire, flood or other natural disaster** or **is** a new drug, as defined in section 201(p) of the Federal Food, Drug and Cosmetic Act, for which there is no approval in effect pursuant to section 505(b) of the federal Act nor an approved notice of claimed investigational exemption pursuant to section 505(i) of the federal Act, [*or otherwise rendered unsafe for use as a result of fire, flood or other natural disaster,*] the representative shall affix to [*such*] **the** drug or device a tag or other appropriate marking giving notice that [*such article*] **the drug or device** is**,** or is suspected of being**,** adulterated, misbranded[*,*] or otherwise rendered unsafe and has been detained or embargoed and warning all persons not to remove or dispose of [*such article*] **the drug or device** by sale or otherwise until provision for removal or disposal is given by the board, its agent or the court. [*No person shall*] **A**

person may not remove or dispose of [*such*] **the** embargoed drug or device by sale or otherwise without the permission of the board or its agent or, after summary proceedings have been instituted, without permission from the court.

(b) When **the board or an agent of the board declares** a drug or device detained or embargoed under paragraph (a) of this subsection [*has been declared by such representative*] to be adulterated, misbranded**, rendered unsafe** or a new drug, [*or rendered unsafe,*] the board shall, as soon as practical thereafter, petition the judge of the circuit court in whose jurisdiction the [*article*] **drug or device** is detained or embargoed for an order for condemnation of [*such article*] **the drug or device**. If the judge determines that the drug or device so detained or embargoed is not adulterated [*or*]**,** misbranded or rendered unsafe, the board shall direct the immediate removal of the tag or other marking **from the drug or device**.

(c) If the court finds the detained or embargoed drug or device is adulterated [*or*]**,** misbranded or rendered unsafe, [*such*] **the** drug or device, after entry of the judgment, [*shall*] **must** be destroyed at the expense of the owner under the supervision of a board representative and all court costs and fees, storage and other proper expense shall be borne by the owner of [*such*] **the** drug or device. When the adulteration or misbranding can be corrected by proper labeling or processing of the drug or device, the court, after entry of the judgment and after [*such*] **the** costs, fees and expenses **described in this paragraph** have been paid and a good and sufficient bond has been posted, may direct that [*such*] **the** drug or device be delivered to the owner [*thereof for such*] **of the drug or device for the** labeling or processing **described in this paragraph** under the supervision of a board representative. Expense of [*such*] **the** supervision shall be paid by the owner. [*Such*] **The** bond [*shall*] **must** be returned to the owner of the drug or device [*on*] **upon the board's** representation to the court [*by the board*] that the drug or device is no longer in violation of the embargo and the expense of supervision has been paid.

(d) It is the duty of the Attorney General to whom the board reports any violation of this subsection to cause appropriate proceedings to be instituted in the proper court without delay and to be prosecuted in the manner required by law. Nothing in this subsection shall be construed to require the board to report violations whenever the board believes the public's interest will be adequately served in the circumstances by a suitable written notice or warning.

[*(14)*] **(15)** Except as otherwise provided to the contrary, the board shall exercise all of its duties, powers and authority in accordance with ORS chapter 183.

SECTION 2. ORS 689.995 is amended to read:

689.995. (1) Violation of any provision of this chapter or of any rule of the State Board of Pharmacy is a misdemeanor.

(2) Failure to comply with any notice, citation or subpoena issued by the board under ORS 689.135 [*(12)*] is a misdemeanor. Each day during which the violation continues is a separate offense.

(3) Refusal to furnish information required under this chapter or willfully furnishing false information, is a misdemeanor.

(4) Any attempt to secure or the securing of registration or licensure for any person under any certificate, license or permit authorized by this chapter by making or causing to be made any false representations is a misdemeanor.

SECTION 3. (1) The amendments to ORS 689.135 and 689.995 by sections 1 and 2 of this 2025 Act become operative on January 1, 2026.

(2) The State Board of Pharmacy may take any action before the operative date specified in subsection (1) of this section that is necessary to enable the board to exercise, on and after the operative date specified in subsection (1) of this section, all of the duties, functions and powers conferred on the board by the amendments to ORS 689.135 and 689.995 by sections 1 and 2 of this 2025 Act.

SECTION 4. 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 March 17, 2025

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Timothy G. Sekerak, Chief Clerk of House

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Julie Fahey, Speaker of House

Passed by Senate June 16, 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