

# Minority Report

## B-Engrossed

# House Bill 3409

Ordered by the Senate June 4  
Including House Amendments dated May 1 and Senate Minority Report  
Amendments dated June 4

Sponsored by nonconcurring members of the Senate Committee on Health Care: Senators HAYDEN, LINTHICUM

### SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure. The statement includes a measure digest written in compliance with applicable readability standards.

**Digest: This Act makes changes to the income levels that apply to and the amounts some people can subtract from federal taxable income for some medical care that is paid by the person. Starts in tax year 2025. (Flesch Readability Score: 60.0).**

*[Digest: Makes rules for some insurers and PBMs about 340B drugs. (Flesch Readability Score: 61.3).]*

*[Allows insurers offering policies or certificates of health insurance and pharmacy benefit managers to require that a claim for reimbursement of a prescription drug include a modifier or other indicator that the drug is a 340B drug unless certain requirements are met.]*

**Modifies the income thresholds and subtraction amounts that apply to federal taxable income for amounts paid for certain medical care expenses by certain individual taxpayers and requires annual adjustments of these amounts based on the U.S. City Average Consumer Price Index.**

**Applies to tax years beginning on or after January 1, 2025.**

Takes effect on the 91st day following adjournment sine die.

### A BILL FOR AN ACT

Relating to health care; creating new provisions; amending ORS 316.693; and prescribing an effective date.

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

**SECTION 1.** ORS 316.693 is amended to read:

316.693. (1)(a) In addition to the other modifications to federal taxable income contained in this chapter, there shall be subtracted from federal taxable income the amount paid for medical care of an individual and not compensated for by insurance or otherwise, as described in section 213 of the Internal Revenue Code, if the individual meets the age requirement for the tax year under subsection (2) of this section. The amount subtracted under this section may not exceed:

(A) **[\$3,600] \$5,600** for a joint return if both spouses meet the age requirement for the tax year under subsection (2) of this section, with no more than **[\$1,800] \$2,800** attributable to the medical care of either spouse;

(B) **[\$1,800] \$2,800** for a joint return if only one spouse meets the age requirement for the tax year under subsection (2) of this section, with no more than **[\$1,800] \$2,800** attributable to the medical care of that spouse; or

(C) **[\$1,800] \$2,800** for each individual filing a return who meets the age requirement for the tax year under subsection (2) of this section, with no more than **[\$1,800] \$2,800** attributable to the medical care of that individual.

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

(b) The subtraction under this section may not include amounts that have previously been deducted in the calculation of Oregon taxable income.

(2) The subtraction under this section is available only if the individual has attained the following age before the close of the tax year:

(a) For tax years beginning on or after January 1, 2013, and before January 1, 2014, an individual must attain 62 years of age before the close of the tax year.

(b) For tax years beginning on or after January 1, 2014, and before January 1, 2016, an individual must attain 63 years of age before the close of the tax year.

(c) For tax years beginning on or after January 1, 2016, and before January 1, 2018, an individual must attain 64 years of age before the close of the tax year.

(d) For tax years beginning on or after January 1, 2018, and before January 1, 2020, an individual must attain 65 years of age before the close of the tax year.

(e) For tax years beginning on or after January 1, 2020, an individual must attain 66 years of age before the close of the tax year.

(3) Notwithstanding the amount calculated under subsection (1) of this section, the maximum amount allowed for a subtraction under this section may not exceed:

(a) ~~[\$1,400]~~ **\$2,200** per individual, if the federal adjusted gross income of the taxpayer for the tax year is ~~[\$50,000]~~ **\$77,000** or more and less than ~~[\$100,000]~~ **\$154,000** for a taxpayer who files a return jointly, as a head of household or as a surviving spouse, or for all other taxpayers, ~~[\$25,000]~~ **\$39,000** or more and less than ~~[\$50,000]~~ **\$77,000**.

(b) ~~[\$1,000]~~ **\$1,600** per individual, if the federal adjusted gross income of the taxpayer for the tax year is ~~[\$100,000]~~ **\$154,000** or more but does not exceed ~~[\$200,000]~~ **\$308,000** for a taxpayer who files a return jointly, as a head of household or as a surviving spouse, or for all other taxpayers, ~~[\$50,000]~~ **\$77,000** or more but does not exceed ~~[\$100,000]~~ **\$154,000**.

(4) A subtraction may not be claimed under this section if the federal adjusted gross income of the taxpayer for the tax year exceeds:

(a) ~~[\$200,000]~~ **\$308,000** for joint return filers, a surviving spouse or a head of household; or

(b) ~~[\$100,000]~~ **\$154,000** for an individual who is not a married individual and is not a surviving spouse, or is a married individual who files a separate return.

**(5)(a) The Department of Revenue shall annually adjust the maximum subtraction allowable and the qualifying federal adjusted gross income levels described under this section according to the cost-of-living adjustment for the calendar year. The department shall make this adjustment by multiplying the amounts in subsections (1), (3) and (4) of this section by the percentage (if any) by which the monthly averaged U.S. City Average Consumer Price Index for the 12 consecutive months ending August 31 of the prior calendar year exceeds the monthly averaged U.S. City Average Consumer Price Index for the 12 consecutive months ending August 31, 2024.**

**(b) As used in this subsection, "U.S. City Average Consumer Price Index" means the U.S. City Average Consumer Price Index for All Urban Consumers (All Items) as published by the Bureau of Labor Statistics of the United States Department of Labor.**

**SECTION 2. The amendments to ORS 316.693 by section 1 of this 2025 Act apply to tax years beginning on or after January 1, 2025.**

**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.**