

Requested by Senator HAYDEN

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

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

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

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

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

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

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

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

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

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

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

1       “(B) Five percent shall be deposited in the 340B Drug Fund de-  
2       scribed in section 6 of this 2025 Act.

3       “(3) The Department of Human Services, in consultation with the  
4       Department of Consumer and Business Services, the State Treasury  
5       and representatives from covered entities in this state, shall ensure  
6       the money deposited into the 340B Drug Fund on behalf of the indi-  
7       vidual who received the 340B drug is credited to that individual’s  
8       electronic benefits transfer card. Moneys transferred from the 340B  
9       Drug Fund to an individual’s electronic benefits transfer card may  
10      only be utilized to purchase items described in 26 U.S.C. 213.

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

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

16      “(2) On or before March 1 of each year, all covered entities in this  
17      state shall report to the Department of Consumer and Business Ser-  
18      vices, in the form and manner prescribed by the department, the fol-  
19      lowing information:

20      “(a) For each form of reimbursement, including but not limited to  
21      insurance, self-pay, Medicare and the state-managed medical assist-  
22      ance program:

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

24          “(B) Aggregated payments received;

25          “(C) The total number of prescriptions and the percentage of the  
26      covered entity’s prescriptions that were 340B drugs; and

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

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

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

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

5       “(C) 340B drugs provided with no payment or reimbursement re-  
6 ceived by the covered entity.

7       “(c) The total payments made to:

8       “(A) Pharmacies that have contracted with the covered entity for  
9 340B drug program related services and other functions;

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

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

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

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

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

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

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

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

1 this section for the preceding calendar year.

2 **“SECTION 6.** The 340B Drug Fund is established in the State  
3 **Treasury, separate and distinct from the General Fund. Interest**  
4 **earned by the 340B Drug Fund shall be credited to the fund. All mon-**  
5 **ey s in the fund are continuously appropriated to the Department of**  
6 **Human Services for the purposes of carrying out the requirements**  
7 **established in section 3 of this 2025 Act.”.**

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