

SENATE AMENDMENTS TO SENATE BILL 876

By COMMITTEE ON HUMAN SERVICES AND RURAL HEALTH POLICY

May 4

1 On page 1 of the printed bill, line 2, after the semicolon insert “creating new provisions;” and
2 before the period insert “; and declaring an emergency”.

3 On page 2, delete lines 21 through 24 and insert:

4 “(9)(a) Notwithstanding subsections (2) and (3) of this section, when a licensed practitioner pre-
5 scribes a brand name immunosuppressant drug in connection with an organ transplant and an
6 equivalent generic immunosuppressant drug is available, the brand name drug shall be dispensed and
7 the department shall pay for the brand name drug without requiring an exception if the department
8 has determined that the drug is a narrow therapeutic index drug.

9 “(b) Within 180 days after the United States patent expires on an immunosuppressant drug used
10 in connection with an organ transplant, the department shall determine whether the drug is a nar-
11 row therapeutic index drug.

12 “(c) As used in this subsection, ‘narrow therapeutic index drug’ means a drug that has a narrow
13 range in blood concentrations between efficacy and toxicity and requires therapeutic drug concen-
14 tration or pharmacodynamic monitoring.

15 “**SECTION 2. Notwithstanding ORS 414.325 (9)(b), if the United States patent on an**
16 **immunosuppressant drug used in connection with an organ transplant expired on or after**
17 **July 1, 2007, and before the effective date of this 2009 Act, the Department of Human Ser-**
18 **vices shall determine whether the drug is a narrow therapeutic index drug as defined in ORS**
19 **414.325 (9)(c) before January 1, 2010.**

20 “**SECTION 3. This 2009 Act being necessary for the immediate preservation of the public**
21 **peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect**
22 **on its passage.”**

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