

**A-Engrossed**  
**House Bill 2527**

Ordered by the House April 24  
Including House Amendments dated April 24

Sponsored by Representative BUEHLER, Senator STEINER HAYWARD; Representative HACK (Presession filed.)

**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.

Allows pharmacists to **prescribe and administer injectable hormonal contraceptives and** prescribe and dispense self-administered hormonal contraceptives. Defines **"injectable hormonal contraceptive"** and "self-administered hormonal contraceptive." **Requires prescription drug benefit programs and prescription drug benefits offered under health benefit plans to provide coverage for pharmacist consultations.**

Declares emergency, effective on passage.

**A BILL FOR AN ACT**

1  
2 Relating to contraceptives; creating new provisions; amending ORS 689.005, 689.683 and 743A.066;  
3 and declaring an emergency.

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

5 **SECTION 1.** ORS 689.005 is amended to read:

6 689.005. As used in this chapter:

7 (1) "Administer" means the direct application of a drug or device whether by injection,  
8 inhalation, ingestion, or any other means, to the body of a patient or research subject by:

9 (a) A practitioner or the practitioner's authorized agent; or

10 (b) The patient or research subject at the direction of the practitioner.

11 (2) "Approved continuing pharmacy education program" means those seminars, classes,  
12 meetings, workshops and other educational programs on the subject of pharmacy approved by the  
13 board.

14 (3) "Board of pharmacy" or "board" means the State Board of Pharmacy.

15 (4) "Clinical pharmacy agreement" means an agreement between a pharmacist or pharmacy and  
16 a health care organization or a physician as defined in ORS 677.010 that permits the pharmacist to  
17 engage in the practice of clinical pharmacy for the benefit of the patients of the health care or-  
18 ganization or physician.

19 (5) "Continuing pharmacy education" means:

20 (a) Professional, pharmaceutical post-graduate education in the general areas of socio-economic  
21 and legal aspects of health care;

22 (b) The properties and actions of drugs and dosage forms; and

23 (c) The etiology, characteristics and therapeutics of the disease state.

24 (6) "Continuing pharmacy education unit" means the unit of measurement of credits for ap-  
25 proved continuing education courses and programs.

26 (7) "Deliver" or "delivery" means the actual, constructive or attempted transfer of a drug or

**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.

1 device other than by administration from one person to another, whether or not for a consideration.

2 (8) "Device" means an instrument, apparatus, implement, machine, contrivance, implant, in vitro  
3 reagent or other similar or related article, including any component part or accessory, which is re-  
4 quired under federal or state law to be prescribed by a practitioner and dispensed by a pharmacist.

5 (9) "Dispense" or "dispensing" means the preparation and delivery of a prescription drug pur-  
6 suant to a lawful order of a practitioner in a suitable container appropriately labeled for subsequent  
7 administration to or use by a patient or other individual entitled to receive the prescription drug.

8 (10) "Distribute" means the delivery of a drug other than by administering or dispensing.

9 (11) "Drug" means:

10 (a) Articles recognized as drugs in the official United States Pharmacopoeia, official National  
11 Formulary, official Homeopathic Pharmacopoeia, other drug compendium or any supplement to any  
12 of them;

13 (b) Articles intended for use in the diagnosis, cure, mitigation, treatment or prevention of dis-  
14 ease in a human or other animal;

15 (c) Articles, other than food, intended to affect the structure or any function of the body of hu-  
16 mans or other animals; and

17 (d) Articles intended for use as a component of any articles specified in paragraph (a), (b) or (c)  
18 of this subsection.

19 (12) "Drug order" means a written order, in a hospital or other inpatient care facility, for an  
20 ultimate user of any drug or device issued and signed by a practitioner, or an order transmitted by  
21 other means of communication from a practitioner, that is immediately reduced to writing by a  
22 pharmacist, licensed nurse or other practitioner.

23 (13) "Drug outlet" means [any] a pharmacy, nursing home, shelter home, convalescent home,  
24 extended care facility, drug abuse treatment center, penal institution, hospital, family planning  
25 clinic, student health center, retail store, wholesaler, manufacturer, mail-order vendor or other es-  
26 tablishment with facilities located within or out of this state that is engaged in dispensing, delivery  
27 or distribution of drugs within this state.

28 (14) "Drug room" means a secure and lockable location within an inpatient care facility that  
29 does not have a licensed pharmacy.

30 (15) "Electronically transmitted" or "electronic transmission" means a communication sent or  
31 received through technological apparatuses, including computer terminals or other equipment or  
32 mechanisms linked by telephone or microwave relays, or [any] similar apparatus having electrical,  
33 digital, magnetic, wireless, optical, electromagnetic or similar capabilities.

34 [(16) "*Hormonal contraceptive patch*" means a transdermal patch applied to the skin of a patient,  
35 by the patient or by a practitioner, that releases a drug composed of a combination of hormones that  
36 is approved by the United States Food and Drug Administration to prevent pregnancy.]

37 **(16) "Injectable hormonal contraceptive" means a drug composed of a hormone or a**  
38 **combination of hormones that is approved by the United States Food and Drug Adminis-**  
39 **tration to prevent pregnancy and that a health care practitioner administers to the patient**  
40 **by injection.**

41 (17) "Institutional drug outlet" means hospitals and inpatient care facilities where medications  
42 are dispensed to another health care professional for administration to patients served by the hos-  
43 pitals or facilities.

44 (18) "Intern" means a person who is enrolled in or has completed a course of study at a school  
45 or college of pharmacy approved by the board and who is licensed with the board as an intern.

1 (19) "Internship" means a professional experiential program approved by the board under the  
2 supervision of a licensed pharmacist registered with the board as a preceptor.

3 (20) "Itinerant vendor" means a person who sells or distributes nonprescription drugs by passing  
4 from house to house, or by haranguing the people on the public streets or in public places, or who  
5 uses the customary devices for attracting crowds, recommending their wares and offering them for  
6 sale.

7 (21) "Labeling" means the process of preparing and affixing of a label to any drug container  
8 exclusive, however, of the labeling by a manufacturer, packer or distributor of a nonprescription  
9 drug or commercially packaged legend drug or device.

10 (22) "Manufacture" means the production, preparation, propagation, compounding, conversion  
11 or processing of a device or a drug, either directly or indirectly by extraction from substances of  
12 natural origin or independently by means of chemical synthesis or by a combination of extraction  
13 and chemical synthesis and includes any packaging or repackaging of the substances or labeling or  
14 relabeling of its container, except that this term does not include the preparation or compounding  
15 of a drug by an individual for their own use or the preparation, compounding, packaging or labeling  
16 of a drug:

17 (a) By a practitioner as an incident to administering or dispensing of a drug in the course of  
18 professional practice; or

19 (b) By a practitioner or by the practitioner's authorization under supervision of the practitioner  
20 for the purpose of or as an incident to research, teaching or chemical analysis and not for sale.

21 (23) "Manufacturer" means a person engaged in the manufacture of drugs.

22 (24) "Nonprescription drug outlet" means shopkeepers and itinerant vendors registered under  
23 ORS 689.305.

24 (25) "Nonprescription drugs" means drugs which may be sold without a prescription and which  
25 are prepackaged for use by the consumer and labeled in accordance with the requirements of the  
26 statutes and regulations of this state and the federal government.

27 (26) "Person" means an individual, corporation, partnership, association or [any] other legal  
28 entity.

29 (27) "Pharmacist" means an individual licensed by this state to engage in the practice of phar-  
30 macy or to engage in the practice of clinical pharmacy.

31 (28) "Pharmacy" means a place that meets the requirements of rules of the board, is licensed  
32 and approved by the board where the practice of pharmacy may lawfully occur and includes  
33 apothecaries, drug stores, dispensaries, hospital outpatient pharmacies, pharmacy departments and  
34 prescription laboratories but does not include a place used by a manufacturer or wholesaler.

35 (29) "Pharmacy technician" means a person licensed by the State Board of Pharmacy who assists  
36 the pharmacist in the practice of pharmacy pursuant to rules of the board.

37 (30) "Practice of clinical pharmacy" means:

38 (a) The health science discipline in which, in conjunction with the patient's other practitioners,  
39 a pharmacist provides patient care to optimize medication therapy and to promote disease pre-  
40 vention and the patient's health and wellness;

41 (b) The provision of patient care services, including but not limited to post-diagnostic disease  
42 state management services; and

43 (c) The practice of pharmacy by a pharmacist pursuant to a clinical pharmacy agreement.

44 (31) "Practice of pharmacy" means:

45 (a) The interpretation and evaluation of prescription orders;

1 (b) The compounding, dispensing and labeling of drugs and devices, except labeling by a man-  
2 ufacturer, packer or distributor of nonprescription drugs and commercially packaged legend drugs  
3 and devices;

4 (c) The prescribing and administering of vaccines and immunizations and the providing of pa-  
5 tient care services pursuant to ORS 689.645;

6 (d) The administering of drugs and devices to the extent permitted under ORS 689.655;

7 (e) The participation in drug selection and drug utilization reviews;

8 (f) The proper and safe storage of drugs and devices and the maintenance of proper records  
9 *[therefor]* **regarding the safe storage of drugs and devices;**

10 (g) The responsibility for advising, where necessary or where regulated, of therapeutic values,  
11 content, hazards and use of drugs and devices;

12 (h) The monitoring of therapeutic response or adverse effect to drug therapy;

13 (i) The optimizing of drug therapy through the practice of clinical pharmacy;

14 (j) Patient care services, including medication therapy management and comprehensive  
15 medication review;

16 (k) The offering or performing of those acts, services, operations or transactions necessary in  
17 the conduct, operation, management and control of pharmacy; and

18 (L) **The prescribing and administering of injectable hormonal contraceptives and the pre-**  
19 **scribing and dispensing of *[hormonal contraceptive patches and]* self-administered *[oral]* hormonal**  
20 **contraceptives pursuant to ORS 689.683.**

21 (32) "Practitioner" means a person licensed and operating within the scope of such license to  
22 prescribe, dispense, conduct research with respect to or administer drugs in the course of profes-  
23 sional practice or research:

24 (a) In this state; or

25 (b) In another state or territory of the United States if the person does not reside in Oregon and  
26 is registered under the federal Controlled Substances Act.

27 (33) "Preceptor" means a pharmacist or a person licensed by the board to supervise the  
28 internship training of a licensed intern.

29 (34) "Prescription drug" or "legend drug" means a drug which is:

30 (a) Required by federal law, prior to being dispensed or delivered, to be labeled with either of  
31 the following statements:

32 (A) "Caution: Federal law prohibits dispensing without prescription"; or

33 (B) "Caution: Federal law restricts this drug to use by or on the order of a licensed  
34 veterinarian"; or

35 (b) Required by any applicable federal or state law or regulation to be dispensed on prescription  
36 only or is restricted to use by practitioners only.

37 (35) "Prescription" or "prescription drug order" means a written, oral or electronically trans-  
38 mitted direction, given by a practitioner authorized to prescribe drugs, for the preparation and use  
39 of a drug. When the context requires, "prescription" also means the drug prepared under such  
40 written, oral or electronically transmitted direction.

41 (36) "Retail drug outlet" means a place used for the conduct of the retail sale, administering or  
42 dispensing or compounding of drugs or chemicals or for the administering or dispensing of pre-  
43 scriptions and licensed by the board as a place *[wherein]* **where** the practice of pharmacy may  
44 lawfully occur.

45 (37) "Self-administered *[oral]* hormonal contraceptive" means a drug composed of a **hormone**

1 **or a combination of hormones that is approved by the United States Food and Drug Administration**  
 2 **to prevent pregnancy and that the patient to whom the drug is prescribed may [take orally] ad-**  
 3 **minister to oneself. “Self-administered hormonal contraceptive” includes, but is not limited**  
 4 **to, hormonal contraceptive patches and hormonal contraceptive pills.**

5 (38) “Shopkeeper” means a business or other establishment, open to the general public, for the  
 6 sale or nonprofit distribution of drugs.

7 (39) “Unit dose” means a sealed single-unit container so designed that the contents are admin-  
 8 istered to the patient as a single dose, direct from the container. Each unit dose container must bear  
 9 a separate label, be labeled with the name and strength of the medication, the name of the man-  
 10 ufacturer or distributor, an identifying lot number and, if applicable, the expiration date of the  
 11 medication.

12 (40) “Wholesale drug outlet” means [any] a person who imports, stores, distributes or sells for  
 13 resale [any] drugs, including legend drugs and nonprescription drugs.

14 **SECTION 2.** ORS 689.683 is amended to read:

15 689.683. (1) In accordance with rules adopted by the State Board of Pharmacy under ORS  
 16 689.205, a pharmacist may **prescribe and administer injectable hormonal contraceptives and**  
 17 **prescribe and dispense [hormonal contraceptive patches and] self-administered [oral] hormonal**  
 18 **contraceptives to a person who is:**

19 (a) At least 18 years of age, regardless of whether the person has evidence of a previous pre-  
 20 scription from a primary care practitioner or women’s health care practitioner for **an injectable**  
 21 **hormonal contraceptive or a [hormonal contraceptive patch or] self-administered [oral] hormonal**  
 22 **contraceptive; or**

23 (b) Under 18 years of age, only if the person has evidence of a previous prescription from a  
 24 primary care practitioner or women’s health care practitioner for **an injectable hormonal**  
 25 **contraceptive or a [hormonal contraceptive patch or] self-administered [oral] hormonal**  
 26 **contraceptive.**

27 (2)(a) The board shall adopt rules to establish, in consultation with the Oregon Medical Board,  
 28 the Oregon State Board of Nursing and the Oregon Health Authority, and in consideration of  
 29 guidelines established by the American Congress of Obstetricians and Gynecologists, standard pro-  
 30 cedures for the prescribing of [hormonal contraceptive patches and] **injectable hormonal**  
 31 **contraceptives and self-administered [oral] hormonal contraceptives by pharmacists.**

32 (b) The rules adopted under this subsection must require a pharmacist to:

33 (A) Complete a training program approved by the State Board of Pharmacy that is related to  
 34 prescribing [hormonal contraceptive patches and] **injectable hormonal contraceptives and self-**  
 35 **administered [oral] hormonal contraceptives;**

36 (B) Provide a self-screening risk assessment tool that the patient must use prior to the  
 37 pharmacist’s prescribing the [hormonal contraceptive patch or] **injectable hormonal contraceptive**  
 38 **or self-administered [oral] hormonal contraceptive;**

39 (C) Refer the patient to the patient’s primary care practitioner or women’s health care practi-  
 40 tioner upon prescribing **and administering the injectable hormonal contraceptive or prescribing**  
 41 **and dispensing the [hormonal contraceptive patch or] self-administered [oral] hormonal contraceptive;**

42 (D) Provide the patient with a written record of the [hormonal contraceptive patch or] **injectable**  
 43 **hormonal contraceptive prescribed and administered or the self-administered [oral] hormonal**  
 44 **contraceptive prescribed and dispensed and advise the patient to consult with a primary care prac-**  
 45 **titioner or women’s health care practitioner; and**

1       (E) **Administer the injectable hormonal contraceptive or** dispense the [*hormonal*  
2 *contraceptive patch or*] self-administered [*oral*] hormonal contraceptive to the patient as soon as  
3 practicable after the pharmacist issues the prescription.

4       (c) The rules adopted under this subsection must prohibit a pharmacist from:

5       (A) Requiring a patient to schedule an appointment with the pharmacist for the prescribing **or**  
6 **administering of an injectable hormonal contraceptive or the prescribing** or dispensing of a  
7 [*hormonal contraceptive patch or*] self-administered [*oral*] hormonal contraceptive; and

8       (B) **Prescribing and administering an injectable hormonal contraceptive or prescribing** and  
9 dispensing a [*hormonal contraceptive patch or*] self-administered [*oral*] hormonal contraceptive to a  
10 patient who does not have evidence of a clinical visit for women's health within the three years  
11 immediately following the initial prescription **and administration of an injectable hormonal**  
12 **contraceptive or the initial prescription** and dispensation of a [*hormonal contraceptive patch or*]  
13 self-administered [*oral*] hormonal contraceptive by a pharmacist to the patient.

14       (3) All state and federal laws governing insurance coverage of contraceptive drugs, devices,  
15 products and services shall apply to [*hormonal contraceptive patches and*] **injectable hormonal**  
16 **contraceptives and** self-administered [*oral*] hormonal contraceptives prescribed by a pharmacist  
17 under this section.

18       **SECTION 3.** ORS 689.683, as amended by section 3, chapter 649, Oregon Laws 2015, is amended  
19 to read:

20       689.683. (1) In accordance with rules adopted by the State Board of Pharmacy under ORS  
21 689.205, a pharmacist may **prescribe and administer injectable hormonal contraceptives and**  
22 prescribe and dispense [*hormonal contraceptive patches and*] self-administered [*oral*] hormonal  
23 contraceptives.

24       (2)(a) The board shall adopt rules to establish, in consultation with the Oregon Medical Board,  
25 the Oregon State Board of Nursing and the Oregon Health Authority, and in consideration of  
26 guidelines established by the American Congress of Obstetricians and Gynecologists, standard pro-  
27 cedures for the prescribing of [*hormonal contraceptive patches and*] **injectable hormonal**  
28 **contraceptives and** self-administered [*oral*] hormonal contraceptives by pharmacists.

29       (b) The rules adopted under this subsection must require a pharmacist to:

30       (A) Complete a training program approved by the State Board of Pharmacy that is related to  
31 prescribing [*hormonal contraceptive patches and*] **injectable hormonal contraceptives and** self-  
32 administered [*oral*] hormonal contraceptives;

33       (B) Provide a self-screening risk assessment tool that the patient must use prior to the  
34 pharmacist's prescribing the [*hormonal contraceptive patch or*] **injectable hormonal contraceptive**  
35 **or** self-administered [*oral*] hormonal contraceptive;

36       (C) Refer the patient to the patient's primary care practitioner or women's health care practi-  
37 tioner upon prescribing **and administering the injectable hormonal contraceptive or prescribing**  
38 and dispensing the [*hormonal contraceptive patch or*] self-administered [*oral*] hormonal contraceptive;

39       (D) Provide the patient with a written record of the [*hormonal contraceptive patch or*] **injectable**  
40 **hormonal contraceptive prescribed and administered or the** self-administered [*oral*] hormonal  
41 contraceptive prescribed and dispensed and advise the patient to consult with a primary care prac-  
42 titioner or women's health care practitioner; and

43       (E) **Administer the injectable hormonal contraceptive or** dispense the [*hormonal*  
44 *contraceptive patch or*] self-administered [*oral*] hormonal contraceptive to the patient as soon as  
45 practicable after the pharmacist issues the prescription.

1 (c) The rules adopted under this subsection must prohibit a pharmacist from:

2 (A) Requiring a patient to schedule an appointment with the pharmacist for the prescribing **or**  
3 **administering of an injectable hormonal contraceptive or the prescribing** or dispensing of a  
4 [*hormonal contraceptive patch or*] self-administered [*oral*] hormonal contraceptive; and

5 (B) Prescribing **and administering an injectable hormonal contraceptive or prescribing** and  
6 dispensing a [*hormonal contraceptive patch or*] self-administered [*oral*] hormonal contraceptive to a  
7 patient who does not have evidence of a clinical visit for women's health within the three years  
8 immediately following the initial prescription **and administration of an injectable hormonal**  
9 **contraceptive or the initial prescription** and dispensation of a [*hormonal contraceptive patch or*]  
10 self-administered [*oral*] hormonal contraceptive by a pharmacist to the patient.

11 (3) All state and federal laws governing insurance coverage of contraceptive drugs, devices,  
12 products and services shall apply to [*hormonal contraceptive patches and*] **injectable hormonal**  
13 **contraceptives and** self-administered [*oral*] hormonal contraceptives prescribed by a pharmacist  
14 under this section.

15 **SECTION 4.** ORS 743A.066 is amended to read:

16 743A.066. (1) A prescription drug benefit program, or a prescription drug benefit offered under  
17 a health benefit plan as defined in ORS 743B.005 or under a student health insurance policy, must  
18 provide payment, coverage or reimbursement for:

19 (a) Prescription contraceptives; and

20 (b) If covered for other drug benefits under the program, plan or policy, outpatient  
21 consultations, **including pharmacist consultations**, examinations, procedures and medical services  
22 that are necessary to prescribe, dispense, deliver, distribute, administer or remove a prescription  
23 contraceptive.

24 (2) The coverage required by subsection (1) of this section:

25 (a) May be subject to provisions of the program, plan or policy that apply equally to other pre-  
26 scription drugs covered by the program, plan or policy, including but not limited to required  
27 copayments, deductibles and coinsurance; and

28 (b) Must reimburse a health care provider or dispensing entity for a dispensing of contraceptives  
29 intended to last for a:

30 (A) Three-month period for the first dispensing of the contraceptive to an insured; and

31 (B) Twelve-month period for subsequent dispensings of the same contraceptive to the insured  
32 regardless of whether the insured was enrolled in the program, plan or policy at the time of the first  
33 dispensing.

34 (3) As used in this section, "prescription contraceptive" means a drug or device that requires  
35 a prescription and is approved by the United States Food and Drug Administration to prevent  
36 pregnancy.

37 (4) A religious employer is exempt from the requirements of this section with respect to a pre-  
38 scription drug benefit program or a health benefit plan it provides to its employees. A "religious  
39 employer" is an employer:

40 (a) Whose purpose is the inculcation of religious values;

41 (b) That primarily employs persons who share the religious tenets of the employer;

42 (c) That primarily serves persons who share the religious tenets of the employer; and

43 (d) That is a nonprofit organization under section 6033(a)(3)(A)(i) or (iii) of the Internal Revenue  
44 Code.

45 (5) This section is exempt from the provisions of ORS 743A.001.

1        **SECTION 5.** (1) The amendments to ORS 689.005, 689.683 and 743A.066 by sections 1 to 4  
2 of this 2017 Act become operative on January 1, 2018.

3        (2) The State Board of Pharmacy may take any action before the operative date specified  
4 in subsection (1) of this section that is necessary to enable the board to exercise, on or after  
5 the operative date specified in subsection (1) of this section, all of the duties, functions and  
6 powers conferred on the board by the amendments to ORS 689.005, 689.683 and 743A.066 by  
7 sections 1 to 4 of this 2017 Act.

8        **SECTION 6.** This 2017 Act being necessary for the immediate preservation of the public  
9 peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect  
10 on its passage.

11 \_\_\_\_\_