

Requested by Representative NOSSE

**PROPOSED AMENDMENTS TO
HOUSE BILL 2387**

1 On page 1 of the printed corrected bill, delete lines 13 through 19 and
2 insert:

3 “(c) ‘Excess cost’ means, for any prescription drug for which the average
4 wholesale price is greater than the foreign price cap, the difference between
5 the average wholesale price of the prescription drug and the foreign price
6 cap.

7 “(d) ‘Foreign price cap’ means the median of the five highest prices paid
8 for a prescription drug in any”.

9 On page 2, line 17, delete “or”.

10 In line 20, delete the period and insert “;

11 “(C) By a health care service contractor, as defined in ORS 750.005, for
12 dispensing to a subscriber; or

13 “(D) By a health care facility, as defined in ORS 442.015, for dispensing
14 to a patient of the health care facility.”.

15 Delete lines 23 and 24.

16 In line 25, delete “(i)” and insert “(h)”.

17 In line 26, delete “(j)” and insert “(i)”.

18 In line 27, delete “(k)” and insert “(j)”.

19 On page 3, line 22, delete “during a plan year”.

20 In line 23, delete “\$500” and insert “\$200”.

21 In line 24, delete “\$250” and insert “\$100”.

1 On page 4, after line 24, insert:

2 “(c) At least annually, for each prescription drug described in paragraph
3 (a) or (b) of this subsection, the 10 highest prices paid for the drug in the
4 countries for which the foreign price cap for the drug is calculated under
5 section 1 (1)(d) of this 2017 Act.”.

6 On page 5, delete lines 44 and 45 and insert “enrollee or potential
7 enrollee, an explanation of how an enrollee can request coverage for a pre-
8 scription drug that is not on the insurer’s drug formulary.”.

9 On page 6, delete lines 1 through 11 and insert:

10 “(3) No less than 30 days prior to removing a prescription drug from a
11 drug formulary, an insurer shall post a notice of the intended removal on its
12 website.

13 “(4) Notwithstanding subsection (3) of this section, an insurer shall post
14 a notice on its website informing the public about the removal of a pre-
15 scription drug from the insurer’s drug formulary as soon as practicable and
16 without unreasonable delay if:

17 “(a) The drug is no longer available on the market;

18 “(b) The drug becomes available without a prescription;

19 “(c) The United States Food and Drug Administration issues a boxed
20 warning concerning the drug because of serious or life-threatening risks to
21 individuals taking the drug; or

22 “(d) A generic substitute for the drug becomes available.”.

23 On page 7, delete lines 6 through 29 and insert:

24 “(8) Health benefit plans offered by the board may not require eligible
25 employees and their family members to incur out-of-pocket costs that exceed
26 the prescription drug cost cap specified in section 2 of this 2017 Act.

27 “(9) The board or an insurer offering a health benefit plan to eligible
28 employees shall make available online, and in writing upon request by an
29 eligible employee, an explanation of how an eligible employee or family
30 member can request coverage for a prescription drug that is not on the

1 health benefit plan's drug formulary.

2 "(10) No less than 30 days prior to removing a prescription drug from a
3 drug formulary, the board or the insurer shall post a notice of the intended
4 removal on its website.

5 "(11) Notwithstanding subsection (10) of this section, the board or an
6 insurer shall post a notice on its website informing the public about the re-
7 moval of a prescription drug from the health benefit plan's drug formulary
8 as soon as practicable and without unreasonable delay if:

9 "(a) The drug is no longer available on the market;

10 "(b) The drug becomes available without a prescription;

11 "(c) The United States Food and Drug Administration issues a boxed
12 warning concerning the drug because of serious or life-threatening risks to
13 individuals taking the drug; or

14 "(d) A generic substitute for the drug becomes available."

15 On page 8, delete lines 26 through 45.

16 On page 9, delete lines 1 through 4 and insert:

17 "(9) Health benefit plans offered by the board may not require eligible
18 employees and their family members to incur out-of-pocket costs that exceed
19 the prescription drug cost cap specified in section 2 of this 2017 Act.

20 "(10) The board or an insurer offering a health benefit plan to eligible
21 employees shall make available online, and in writing upon request by an
22 eligible employee, an explanation of how an eligible employee or family
23 member can request coverage for a prescription drug that is not on the
24 health benefit plan's drug formulary.

25 "(11) No less than 30 days prior to removing a prescription drug from a
26 drug formulary, the board or the insurer shall post a notice of the intended
27 removal on its website.

28 "(12) Notwithstanding subsection (11) of this section, the board or an
29 insurer shall post a notice on its website informing the public about the re-
30 moval of a prescription drug from the health benefit plan's drug formulary

1 as soon as practicable and without unreasonable delay if:

2 “(a) The drug is no longer available on the market;

3 “(b) The drug becomes available without a prescription;

4 “(c) The United States Food and Drug Administration issues a boxed
5 warning concerning the drug because of serious or life-threatening risks to
6 individuals taking the drug; or

7 “(d) A generic substitute for the drug becomes available.”.

8 On page 13, delete lines 8 and 9.

9 On page 15, delete lines 28 and 29.

10 On page 17, delete lines 37 and 38.

11 On page 22, delete lines 14 through 20 and insert:

12 **“SECTION 18. It is the intent of the Legislative Assembly that**
13 **sections 1 to 6 of this 2017 Act and the amendments to ORS 243.135,**
14 **243.866, 743B.013, 743B.105, 743B.125, 750.055 and 750.333 by sections 7 to**
15 **15 of this 2017 Act are essentially and inseparably connected with and**
16 **dependent upon each other. The Legislative Assembly does not intend**
17 **that sections 1 to 6 of this 2017 Act and the amendments to ORS**
18 **243.135, 243.866, 743B.013, 743B.105, 743B.125, 750.055 and 750.333 by**
19 **sections 7 to 15 of this 2017 Act be the law if any of those sections or**
20 **amendments to statutes are held unconstitutional.”.**

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