HB 2645-3
(LC 1437)
3/30/17 (MBM/ps)

Requested by Representative BUEHLER

PROPOSED AMENDMENTS TO
HOUSE BILL 2645

On page 1 of the printed bill, delete lines 4 through 28 and delete pages 2 through 10 and insert:

"SECTION 1. (1) As used in this section:

"(a) 'Hospital' has the meaning given that term in ORS 442.015.

"(b) 'Law enforcement agency' means an agency that employs law enforcement officers to enforce criminal laws.

"(c) 'Law enforcement officer' means an officer employed to enforce criminal laws by:

"(A) This state or a municipal government within this state; or

"(B) A political subdivision or agency of a government described in subparagraph (A) of this paragraph.

"(d)(A) 'Manufacturer' means:

"(i) A manufacturer, as defined in ORS 689.005, that manufactures drugs that are sold within this state; or

"(ii) A pharmacy benefit manager, as defined in ORS 735.530.

"(B) 'Manufacturer' does not include a person who:

"(i) Packages or repackages prescription drugs that are sold within this state or who labels or relabels the containers of prescription drugs that are sold within this state; and

"(ii) Does not produce, prepare, propagate, compound, convert or process prescription drugs that are sold within this state.

"(e) 'Retail drug outlet' has the meaning given that term in ORS 689.005.

"(2)(a) The Public Health Director and the State Board of Pharmacy shall collaborate to establish a program under which the Oregon Health Authority and the board oversee the establishment of kiosks in this state for the purpose of collecting from consumers and disposing of the following drugs:

"(A) Prescription drugs, as defined in ORS 689.005;

"(B) Nonprescription drugs, as defined in ORS 689.005;

"(C) Drugs marketed under a brand name, as defined in ORS 689.515;

"(D) Drugs marketed under a generic name, as defined in ORS 689.515;

"(E) Biological products, as described in ORS 689.522;

"(F) Drugs intended to be used by a licensed veterinarian; and

"(G) Combination products.

"(b) This subsection does not require the authority or the board, or any entity described in subsection (3)(a) of this section, to use kiosks for the purpose of collecting from consumers and disposing of:

"(A) Vitamins or supplements;

"(B) Herb-based remedies or homeopathic drugs, products or remedies;

"(C) Products that are regulated as both a cosmetic and a nonprescription drug by the federal Food and Drug Administration;

"(D) Drugs and biological products for which a manufacturer administers a drug take-back program as part of a risk evaluation and mitigation strategy under the oversight of the federal Food and Drug Administration; or

"(E) Pet pesticide products.

"(3) In establishing the program described in subsection (2) of this

section, the director and the board shall:

"(a) Collaborate with hospitals, retail drug outlets and law enforcement agencies to establish new kiosks and enhance existing kiosks on the premises of those entities for the purpose of collecting from consumers and disposing of the drugs described in subsection (2)(a) of this section;

"(b) Ensure that each kiosk established pursuant to paragraph (a) of this subsection is located on the premises of a hospital, retail drug outlet or law enforcement agency that qualifies under federal law to collect and dispose of controlled substances;

"(c) Ensure that at least one kiosk is established pursuant to paragraph (a) of this subsection at each retail drug outlet located within a hospital or within a health care facility owned by a hospital;

"(d) Work toward establishing at least one kiosk pursuant to paragraph (a) of this subsection for every 20,000 residents of this state;

"(e) In consultation with the Department of Environmental Quality, provide for the safe disposal of drugs collected at kiosks established pursuant to paragraph (a) of this subsection;

"(f) Compile information on:

"(A) How to properly dispose of drugs described in subsection (2)(a) of this section in accordance with applicable federal laws and regulations;

"(B) The location of kiosks established pursuant to paragraph (a) of this subsection; and

"(C) How to properly use kiosks established pursuant to paragraph (a) of this subsection;

"(g) Prepare print publications of the information described in paragraph (f) of this subsection; and

"(h) Distribute the print publications described in paragraph (g) of this subsection to retail drug outlets for the purpose of being dissem-

inated to the public.

"(4)(a) The authority shall impose an annual fee against manufacturers for the purpose of paying the costs associated with compiling, preparing print publications for and disseminating information as required by subsection (3)(f), (g) and (h) of this section. The authority may impose and collect the fee in a manner prescribed by the authority, provided that the fee is based on the volume of prescription drugs sold by the manufacturer in this state.

"(b) Except as provided in paragraph (c) of this subsection, fee moneys collected by the authority under this subsection must be deposited in the Oregon Health Authority Fund established under ORS 413.101. Fee moneys deposited in the fund under this paragraph are continuously appropriated to the authority for purposes of administering this section.

"(c) As deemed necessary by the authority and the board to pay the board's costs incurred under this section, the authority shall transfer a portion of the fee moneys collected by the authority under this subsection to the board for deposit in the State Board of Pharmacy Account established under ORS 689.139. Fee moneys deposited in the account under this paragraph are continuously appropriated to the board for purposes of administering this section.

"(5) The cost associated with establishing a new kiosk or enhancing an existing kiosk as required by subsection (3)(a) of this section shall be borne by the hospital, retail drug outlet or law enforcement agency where the kiosk is located.

"(6) The board, in consultation with the director, shall adopt rules necessary to implement this section.

"SECTION 2. (1) This section is intended to establish that the state has the exclusive right to regulate the collection from consumers and disposal of the drugs described in section 1 (2)(a) of this 2017 Act.

"(2) Except as otherwise expressly authorized by the laws of this state, a county or city, or other unit of local government, may not adopt an ordinance or rule that provides for the collection from consumers or disposal of the drugs described in section 1 (2)(a) of this 2017 Act, except to the extent that the ordinance or rule provides for the enforcement of a state law or rule or federal law or regulation that governs the collection from consumers and disposal of the drugs described in section 1 (2)(a) of this 2017 Act.

"SECTION 3. (1) Section 1 of this 2017 Act becomes operative on January 1, 2018.

"(2) The Public Health Director, the Oregon Health Authority and the State Board of Pharmacy may take any action before the operative date specified in subsection (1) of this section that is necessary to enable the director, the authority and the board to exercise, on and after the operative date specified in subsection (1) of this section, all the duties, functions and powers conferred on the director, the authority and the board by section 1 of this 2017 Act.

"SECTION 4. This 2017 Act takes effect on the 91st day after the date on which the 2017 regular session of the Seventy-ninth Legislative Assembly adjourns sine die.".
