



STATE SENATE
DISTRICT 25

Senate Rules Committee

June 10, 2019

HB 2185

There has been considerable discussion concerning the intent of the definition of “generally available” drugs. I want to provide some clarity to stakeholders as well as DCBS as they will enforce the provisions of this legislation.

Specifically, on page 4, lines 24-26 of the B10 amendment, under the section which defines what drugs are NOT generally available, our intent is to ensure a PBM does not use a benchmark drug on their maximum allowable cost (or MAC) list whose price is ONLY available if purchased in bulk quantities exceeding the typical purchasing pattern of the pharmacy.

Similarly, on page 4, line 27-28 of the B10 amendment, our intent is to ensure a PBM does not use a benchmark drug on their MACs that is ONLY available at a discount due to a short expiration date on the drug.

In both cases, we want to make sure drugs used as benchmarks on the MAC can be purchased by Oregon pharmacies who are similar in their size, location, patient mix, and license. We do not expect a PBM, in the determination of a generally available drug, to use an individual pharmacy’s proprietary information in making that determination.