

HOUSE AMENDMENTS TO HOUSE BILL 2185

By COMMITTEE ON HEALTH CARE

April 12

1 On page 1 of the printed bill, line 2, after “managers” delete the rest of the line and line 3 and
2 insert a period.

3 In line 5, delete “Section 2 of this 2019 Act is” and insert “Sections 2 and 3 of this 2019 Act
4 are”.

5 Delete lines 7 through 31 and delete pages 2 through 4 and insert:

6 **“SECTION 2. (1) A pharmacy benefit manager registered under ORS 735.532 may not**
7 **prohibit a network pharmacy, as defined in ORS 735.534, from offering to the pharmacy’s**
8 **customers delivery of prescription drugs by mail or common carrier or by hand delivery by**
9 **an employee or contractor of the pharmacy. The pharmacy benefit manager may impose**
10 **limits on the delivery by mail or common carrier under the terms of the contract between**
11 **the pharmacy and the pharmacy benefit manager.**

12 **“(2) A pharmacy may not make a claim for reimbursement of the cost of delivery as de-**
13 **scribed in subsection (1) of this section unless it is agreed to by the pharmacy benefit man-**
14 **ager.**

15 **“(3) If a pharmacy charges a customer a fee for delivery as described in subsection (1)**
16 **of this section, the pharmacy must disclose the fee to the customer at the time of purchase**
17 **and must inform the customer that the delivery fee will not be reimbursed by the pharmacy**
18 **benefit manager, if applicable.**

19 **“SECTION 3. (1) A pharmacy benefit manager registered under ORS 735.532 may not re-**
20 **strict, directly or indirectly, or penalize a network pharmacy, as defined in ORS 735.534, from**
21 **informing an enrollee of the difference between the out-of-pocket cost to the enrollee to**
22 **purchase a prescription drug and the pharmacy’s retail price for the drug.**

23 **“(2) As used in this section:**

24 **“(a) ‘Out-of-pocket cost’ means the amount paid by an enrollee under a plan administered**
25 **by a pharmacy benefit manager including deductibles, copayments, coinsurance or other ex-**
26 **penditure as prescribed by the Department of Consumer and Business Services by rule.**

27 **“(b) ‘Plan’ means a pharmacy benefit offered:**

28 **“(A) In a policy or certificate of health insurance, as defined in ORS 731.162.**

29 **“(B) Under an employee welfare benefit plan that is exempt from state regulation be-**
30 **cause of the federal Employee Retirement Income Security Act of 1974.**

31 **“(C) As part of the coverage offered by a health care service contractor as defined in**
32 **ORS 750.005.**

33 **“(D) Through a multiple employer welfare arrangement as defined in ORS 750.301.”.**
34