

Requested by Representative SALINAS (at the request of Kelsey Wilson)

**PROPOSED AMENDMENTS TO
HOUSE BILL 2185**

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

3 In line 5, delete “Section 2 of this 2019 Act is” and insert “Sections 2 and
4 3 of this 2019 Act 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**
7 **735.532 may not prohibit a network pharmacy, as defined in ORS**
8 **735.534, from offering to the pharmacy’s customers delivery of pre-**
9 **scription drugs by mail or common carrier or by hand delivery by an**
10 **employee or contractor of the pharmacy. The pharmacy benefit man-**
11 **ager may impose limits on the delivery by mail or common carrier**
12 **under the terms of the contract between the pharmacy and the phar-**
13 **macy benefit manager.**

14 **“(2) A pharmacy may not make a claim for reimbursement of the**
15 **cost of delivery as described in subsection (1) of this section unless it**
16 **is agreed to by the pharmacy benefit manager.**

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

1 **“SECTION 3. (1) A pharmacy benefit manager registered under ORS**
2 **735.532 may not restrict, directly or indirectly, or penalize a network**
3 **pharmacy, as defined in ORS 735.534, from informing an enrollee of the**
4 **difference between the out-of-pocket cost to the enrollee to purchase**
5 **a prescription drug and the pharmacy’s retail price for the drug.**

6 **“(2) As used in this section:**

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

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

12 **“(A) In a policy or certificate of health insurance, as defined in ORS**
13 **731.162.**

14 **“(B) Under an employee welfare benefit plan that is exempt from**
15 **state regulation because of the federal Employee Retirement Income**
16 **Security Act of 1974.**

17 **“(C) As part of the coverage offered by a health care service con-**
18 **tractor as defined in ORS 750.005.**

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

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