

# Senate Bill 558

Sponsored by Senator GELSER (Pre-session filed.)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Prohibits insurance policy or contract that provides coverage for prescription drug to require prescription for drug to be filled or refilled at mail order pharmacy or to prohibit prescription from being filled or refilled at local pharmacy.

## A BILL FOR AN ACT

1  
2 Relating to insurance coverage of prescription drugs; amending ORS 743A.062.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 743A.062 is amended to read:

5 743A.062. (1) [*No*] **An** insurance policy or contract providing coverage for a prescription drug  
6 to a resident of this state [*shall*] **may not:**

7 (a) **Require the prescription for the drug to be filled or refilled at a mail order pharmacy;**

8 (b) **Prohibit the prescription for the drug from being filled or refilled at a local pharmacy;**

9 **or**

10 (c) Exclude coverage of [*that*] **the** drug for a particular indication solely on the grounds that  
11 the indication has not been approved by the United States Food and Drug Administration if the  
12 Health Evidence Review Commission established under ORS 414.688 or the Pharmacy and  
13 Therapeutics Committee established under ORS 414.353 determines that the drug is recognized as  
14 effective for the treatment of that indication:

15 [(a)] (A) In publications that the commission or the committee determines to be equivalent to:

16 [(A)] (i) The American Hospital Formulary Service drug information;

17 [(B)] (ii) "Drug Facts and Comparisons" (Lippincott-Raven Publishers);

18 [(C)] (iii) The United States Pharmacopoeia drug information; or

19 [(D)] (iv) Other publications that have been identified by the United States Secretary of Health  
20 and Human Services as authoritative;

21 [(b)] (B) In the majority of relevant peer-reviewed medical literature; or

22 [(c)] (C) By the United States Secretary of Health and Human Services.

23 (2) Required coverage of a prescription drug under this section shall include coverage for med-  
24 ically necessary services associated with the administration of that drug.

25 (3) Nothing in this section requires coverage for any prescription drug if the United States Food  
26 and Drug Administration has determined use of the drug to be contraindicated.

27 (4) Nothing in this section requires coverage for experimental drugs not approved for any indi-  
28 cation by the United States Food and Drug Administration.

29 (5) This section is exempt from ORS 743A.001.  
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**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.