

B-Engrossed
House Bill 2574

Ordered by the House June 12
Including House Amendments dated March 17 and June 12

Sponsored by Representatives GRAYBER, NOSSE, Senator LIEBER, Representative BOWMAN; Representatives DEXTER, NELSON, REYNOLDS, WALTERS, Senator PATTERSON (at the request of Cascade AIDS Project) (Presession 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.

Requires hospitals to adopt policies and procedures to ensure provision of human immunodeficiency virus post-exposure prophylactic drugs or therapies following patient's possible exposure to human immunodeficiency virus.

Requires Oregon Health Authority, once per year, to provide 30-day supply of prophylactic drugs or therapies to each type A and type B hospital, unless declined by hospital, at no cost to hospital.

Prohibits health benefit plan from imposing deductibles, copayments, coinsurance or other cost-sharing on coverage of human immunodeficiency virus post-exposure prophylactic drugs or therapies following enrollee's possible exposure to human immunodeficiency virus.

A BILL FOR AN ACT

1
2 Relating to post-exposure prophylaxes; creating new provisions; and amending ORS 743B.425.

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

4 **SECTION 1. (1) As used in this section, "hospital" has the meaning given that term in**
5 **ORS 442.015, excluding special inpatient care facilities as defined by the Oregon Health Au-**
6 **thority by rule.**

7 **(2) A hospital licensed under ORS 441.025 must:**

8 **(a) Adopt a policy for the dispensing of human immunodeficiency virus post-exposure**
9 **prophylaxis drugs or therapies; and**

10 **(b) Have procedures in place to ensure that hospital staff dispense to a patient, with a**
11 **patient's informed consent, at least a five-day supply of human immunodeficiency virus**
12 **post-exposure prophylactic drugs or therapies following the patient's possible exposure to**
13 **human immunodeficiency virus, unless medically contraindicated.**

14 **(3) The hospital policy adopted under this section must in all respects, other than as**
15 **specified in subsection (2) of this section, conform to guidelines issued by the Centers for**
16 **Disease Control and Prevention.**

17 **SECTION 2. (1) As used in this section:**

18 **(a) "Type A hospital" means a rural hospital described in ORS 442.470 (6)(a)(A).**

19 **(b) "Type B hospital" means a rural hospital described in ORS 442.470 (6)(a)(B).**

20 **(2) Once each calendar year, the Oregon Health Authority shall provide to each type A**
21 **hospital and to each type B hospital in this state, at no cost to the hospital, one 30-day**
22 **supply of human immunodeficiency virus post-exposure prophylactic drugs or therapies, un-**
23 **less declined by the hospital.**

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.

1 **SECTION 3.** ORS 743B.425 is amended to read:

2 743B.425. (1) An insurer offering a health benefit plan as defined in ORS 743B.005 may not:

3 (a) Require prior authorization:

4 (A) During the first 60 days of treatment, including medication therapy, prescribed for opioid
5 or opiate withdrawal; or

6 (B) For post-exposure prophylactic antiretroviral drugs or at least one preexposure prophylactic
7 antiretroviral drug; [or]

8 (b) Restrict the reimbursement for medication therapies, preexposure prophylactic antiretroviral
9 drugs or post-exposure prophylactic antiretroviral drugs to in-network pharmacists or
10 pharmacies[.]; or

11 (c) **Subject to ORS 742.008, require a deductible, copayment, coinsurance or other cost-**
12 **sharing for the coverage of human immunodeficiency virus post-exposure prophylactic drugs**
13 **or therapies prescribed following a possible exposure to human immunodeficiency virus.**

14 (2) This section is not subject to ORS 743A.001.

15 (3) This section does not prohibit prior authorization for opioids or opiates prescribed for pur-
16 poses other than medication therapy or treatment of opioid or opiate abuse or addiction.

17 (4) Subsection (1)(b) of this section does not apply to a health maintenance organization as de-
18 fined in ORS 750.005.

19 **SECTION 4. The amendments to ORS 743B.425 by section 3 of this 2023 Act apply to**
20 **health benefit plans issued, renewed or extended on or after the effective date of this 2023**
21 **Act.**

22 **SECTION 5. Notwithstanding any other provision of law, the General Fund appropriation**
23 **made to the Oregon Health Authority, for public health, by section 1 (4), chapter __, Oregon**
24 **Laws 2023 (Enrolled Senate Bill 5525), for the biennium beginning July 1, 2023, is increased**
25 **by \$259,052 for human immunodeficiency virus post-exposure prophylactic drug procurement**
26 **and distribution.**

27 **SECTION 6. Notwithstanding any other law limiting expenditures, the limitation on**
28 **expenditures established by section 2 (5), chapter __, Oregon Laws 2023 (Enrolled Senate**
29 **Bill 5525), for the biennium beginning July 1, 2023, as the maximum limit for payment of ex-**
30 **penses from fees, moneys or other revenues, including Miscellaneous Receipts, tobacco tax**
31 **receipts, marijuana tax receipts, beer and wine tax receipts, provider taxes and Medicare**
32 **receipts, but excluding lottery funds and federal funds not described in section 2, chapter __,**
33 **Oregon Laws 2023 (Enrolled Senate Bill 5525), collected or received by the Oregon Health**
34 **Authority, for public health, is decreased by \$93,023, for the purpose of balancing the posi-**
35 **tions in the administration of human immunodeficiency virus post-exposure prophylactic**
36 **drugs.**