

Requested by SENATE COMMITTEE ON JUDICIARY

**PROPOSED AMENDMENTS TO  
SENATE BILL 376**

1 In line 2 of the printed bill, after “insurance” insert “; amending ORS  
2 750.055; and prescribing an effective date”.

3 Delete lines 4 through 8 and insert:

4 **“SECTION 1.** ORS 750.055, as amended by section 11, chapter 37, Oregon  
5 Laws 2022, is amended to read:

6 “750.055. (1) The following provisions apply to health care service con-  
7 tractors to the extent not inconsistent with the express provisions of ORS  
8 750.005 to 750.095:

9 “(a) ORS 705.137, 705.138 and 705.139.

10 “(b) ORS 731.004 to 731.150, 731.162, 731.216 to 731.362, 731.382, 731.385,  
11 731.386, 731.390, 731.398 to 731.430, 731.428, 731.450, 731.454, 731.485, as pro-  
12 vided in subsection (2) of this section, ORS 731.488, 731.504, 731.508, 731.509,  
13 731.510, 731.511, 731.512, 731.574 to 731.620, 731.640 to 731.652, 731.730, 731.731,  
14 731.735, 731.737, 731.750, 731.752, 731.804, 731.808 and 731.844 to 731.992.

15 “(c) ORS 732.215, 732.220, 732.230, 732.245, 732.250, 732.320, 732.325 and  
16 732.517 to 732.596, not including ORS 732.582, **and ORS 732.650 to 732.689.**

17 “(d) ORS 733.010 to 733.050, 733.080, 733.140 to 733.170, 733.210, 733.510 to  
18 733.680 and 733.695 to 733.780.

19 “(e) ORS 734.014 to 734.440.

20 “(f) ORS 742.001 to 742.009, 742.013, 742.016, 742.061, 742.065, 742.150 to  
21 742.162 and 742.518 to 742.542.

1 “(g) ORS 743.004, 743.005, 743.007, 743.008, 743.010, 743.018, 743.020, 743.022,  
2 743.023, 743.028, 743.029, 743.038, 743.040, 743.044, 743.050, 743.100 to 743.109,  
3 743.402, 743.405, 743.406, 743.417, 743.472, 743.492, 743.495, 743.498, 743.522,  
4 743.523, 743.524, 743.526, 743.535, 743.550, 743.650 to 743.656, 743.680 to 743.689,  
5 743.788 and 743.790 and section 8, chapter 37, Oregon Laws 2022.

6 “(h) ORS 743A.010, 743A.012, 743A.014, 743A.020, 743A.034, 743A.036,  
7 743A.040, 743A.044, 743A.048, 743A.051, 743A.052, 743A.058, 743A.060,  
8 743A.062, 743A.063, 743A.064, 743A.065, 743A.066, 743A.068, 743A.070,  
9 743A.080, 743A.082, 743A.084, 743A.088, 743A.090, 743A.100, 743A.104,  
10 743A.105, 743A.108, 743A.110, 743A.124, 743A.140, 743A.141, 743A.148,  
11 743A.150, 743A.160, 743A.168, 743A.170, 743A.175, 743A.185, 743A.188,  
12 743A.190, 743A.192, 743A.250, 743A.252 and 743A.260 and section 2, chapter  
13 771, Oregon Laws 2013, and sections 6 and 7, chapter 37, Oregon Laws 2022.

14 “(i) ORS 743.025, 743B.001, 743B.003 to 743B.127, 743B.128, 743B.130,  
15 743B.195, 743B.197, 743B.200, 743B.202, 743B.204, 743B.220, 743B.222, 743B.225,  
16 743B.227, 743B.250, 743B.252, 743B.253, 743B.254, 743B.255, 743B.256, 743B.257,  
17 743B.258, 743B.280 to 743B.285, 743B.287, 743B.300, 743B.310, 743B.320,  
18 743B.323, 743B.330, 743B.340, 743B.341, 743B.342, 743B.343 to 743B.347,  
19 743B.400, 743B.403, 743B.407, 743B.420, 743B.423, 743B.450, 743B.451, 743B.452,  
20 743B.453, 743B.470, 743B.475, 743B.505, 743B.550, 743B.555, 743B.601, 743B.602  
21 and 743B.800.

22 “(j) The following provisions of ORS chapter 744:

23 “(A) ORS 744.052 to 744.089, 744.091 and 744.093, relating to the regulation  
24 of insurance producers;

25 “(B) ORS 744.602 to 744.665, relating to the regulation of insurance con-  
26 sultants; and

27 “(C) ORS 744.700 to 744.740, relating to the regulation of third party ad-  
28 ministrators.

29 “(k) ORS 746.005 to 746.140, 746.160, 746.220 to 746.370, 746.600, 746.605,  
30 746.607, 746.608, 746.610, 746.615, 746.625, 746.635, 746.650, 746.655, 746.660,

1 746.668, 746.670, 746.675, 746.680 and 746.690.

2 “(2) The following provisions of the Insurance Code apply to health care  
3 service contractors except in the case of group practice health maintenance  
4 organizations that are federally qualified pursuant to Title XIII of the Public  
5 Health Service Act:

6 “(a) ORS 731.485, if the group practice health maintenance organization  
7 wholly owns and operates an in-house drug outlet.

8 “(b) ORS 743A.024, unless the patient is referred by a physician, physician  
9 assistant or nurse practitioner associated with a group practice health  
10 maintenance organization.

11 “(3) For the purposes of this section, health care service contractors are  
12 insurers.

13 “(4) Any for-profit health care service contractor organized under the  
14 laws of any other state that is not governed by the insurance laws of the  
15 other state is subject to all requirements of ORS chapter 732.

16 “(5)(a) A health care service contractor is a domestic insurance company  
17 for the purpose of determining whether the health care service contractor is  
18 a debtor, as defined in 11 U.S.C. 109.

19 “(b) A health care service contractor’s classification as a domestic insur-  
20 ance company under paragraph (a) of this subsection does not subject the  
21 health care service contractor to ORS 734.510 to 734.710.

22 “(6) The Director of the Department of Consumer and Business Services  
23 may, after notice and hearing, adopt reasonable rules not inconsistent with  
24 this section and ORS 750.003, 750.005, 750.025 and 750.045 that are necessary  
25 for the proper administration of these provisions.

26 **“SECTION 2.** ORS 750.055, as amended by section 21, chapter 771, Oregon  
27 Laws 2013, section 7, chapter 25, Oregon Laws 2014, section 82, chapter 45,  
28 Oregon Laws 2014, section 9, chapter 59, Oregon Laws 2015, section 7, chap-  
29 ter 100, Oregon Laws 2015, section 7, chapter 224, Oregon Laws 2015, section  
30 11, chapter 362, Oregon Laws 2015, section 10, chapter 470, Oregon Laws

1 2015, section 30, chapter 515, Oregon Laws 2015, section 10, chapter 206,  
2 Oregon Laws 2017, section 6, chapter 417, Oregon Laws 2017, section 22,  
3 chapter 479, Oregon Laws 2017, section 10, chapter 7, Oregon Laws 2018,  
4 section 69, chapter 13, Oregon Laws 2019, section 38, chapter 151, Oregon  
5 Laws 2019, section 5, chapter 441, Oregon Laws 2019, section 85, chapter 97,  
6 Oregon Laws 2021, and section 12, chapter 37, Oregon Laws 2022, is amended  
7 to read:

8 “750.055. (1) The following provisions apply to health care service con-  
9 tractors to the extent not inconsistent with the express provisions of ORS  
10 750.005 to 750.095:

11 “(a) ORS 705.137, 705.138 and 705.139.

12 “(b) ORS 731.004 to 731.150, 731.162, 731.216 to 731.362, 731.382, 731.385,  
13 731.386, 731.390, 731.398 to 731.430, 731.428, 731.450, 731.454, 731.485, as pro-  
14 vided in subsection (2) of this section, ORS 731.488, 731.504, 731.508, 731.509,  
15 731.510, 731.511, 731.512, 731.574 to 731.620, 731.640 to 731.652, 731.730, 731.731,  
16 731.735, 731.737, 731.750, 731.752, 731.804, 731.808 and 731.844 to 731.992.

17 “(c) ORS 732.215, 732.220, 732.230, 732.245, 732.250, 732.320, 732.325 and  
18 732.517 to 732.596, not including ORS 732.582, **and ORS 732.650 to 732.689.**

19 “(d) ORS 733.010 to 733.050, 733.080, 733.140 to 733.170, 733.210, 733.510 to  
20 733.680 and 733.695 to 733.780.

21 “(e) ORS 734.014 to 734.440.

22 “(f) ORS 742.001 to 742.009, 742.013, 742.016, 742.061, 742.065, 742.150 to  
23 742.162 and 742.518 to 742.542.

24 “(g) ORS 743.004, 743.005, 743.007, 743.008, 743.010, 743.018, 743.020, 743.022,  
25 743.023, 743.028, 743.029, 743.038, 743.040, 743.044, 743.050, 743.100 to 743.109,  
26 743.402, 743.405, 743.406, 743.417, 743.472, 743.492, 743.495, 743.498, 743.522,  
27 743.523, 743.524, 743.526, 743.535, 743.550, 743.650 to 743.656, 743.680 to 743.689,  
28 743.788 and 743.790 and section 8, chapter 37, Oregon Laws 2022.

29 “(h) ORS 743A.010, 743A.012, 743A.014, 743A.020, 743A.034, 743A.036,  
30 743A.040, 743A.044, 743A.048, 743A.051, 743A.052, 743A.058, 743A.060,

1 743A.062, 743A.063, 743A.064, 743A.065, 743A.066, 743A.068, 743A.070,  
2 743A.080, 743A.082, 743A.084, 743A.088, 743A.090, 743A.100, 743A.104,  
3 743A.105, 743A.108, 743A.110, 743A.124, 743A.140, 743A.141, 743A.148,  
4 743A.150, 743A.160, 743A.168, 743A.170, 743A.175, 743A.185, 743A.188,  
5 743A.190, 743A.192, 743A.250, 743A.252 and 743A.260 and sections 6 and 7,  
6 chapter 37, Oregon Laws 2022.

7 “(i) ORS 743.025, 743B.001, 743B.003 to 743B.127, 743B.128, 743B.130,  
8 743B.195, 743B.197, 743B.200, 743B.202, 743B.204, 743B.220, 743B.222, 743B.225,  
9 743B.227, 743B.250, 743B.252, 743B.253, 743B.254, 743B.255, 743B.256, 743B.257,  
10 743B.258, 743B.280 to 743B.285, 743B.287, 743B.300, 743B.310, 743B.320,  
11 743B.323, 743B.330, 743B.340, 743B.341, 743B.342, 743B.343 to 743B.347,  
12 743B.400, 743B.403, 743B.407, 743B.420, 743B.423, 743B.450, 743B.451, 743B.452,  
13 743B.453, 743B.470, 743B.475, 743B.505, 743B.550, 743B.555, 743B.601, 743B.602  
14 and 743B.800.

15 “(j) The following provisions of ORS chapter 744:

16 “(A) ORS 744.052 to 744.089, 744.091 and 744.093, relating to the regulation  
17 of insurance producers;

18 “(B) ORS 744.602 to 744.665, relating to the regulation of insurance con-  
19 sultants; and

20 “(C) ORS 744.700 to 744.740, relating to the regulation of third party ad-  
21 ministrators.

22 “(k) ORS 746.005 to 746.140, 746.160, 746.220 to 746.370, 746.600, 746.605,  
23 746.607, 746.608, 746.610, 746.615, 746.625, 746.635, 746.650, 746.655, 746.660,  
24 746.668, 746.670, 746.675, 746.680 and 746.690.

25 “(2) The following provisions of the Insurance Code apply to health care  
26 service contractors except in the case of group practice health maintenance  
27 organizations that are federally qualified pursuant to Title XIII of the Public  
28 Health Service Act:

29 “(a) ORS 731.485, if the group practice health maintenance organization  
30 wholly owns and operates an in-house drug outlet.

1 “(b) ORS 743A.024, unless the patient is referred by a physician, physician  
2 assistant or nurse practitioner associated with a group practice health  
3 maintenance organization.

4 “(3) For the purposes of this section, health care service contractors are  
5 insurers.

6 “(4) Any for-profit health care service contractor organized under the  
7 laws of any other state that is not governed by the insurance laws of the  
8 other state is subject to all requirements of ORS chapter 732.

9 “(5)(a) A health care service contractor is a domestic insurance company  
10 for the purpose of determining whether the health care service contractor is  
11 a debtor, as defined in 11 U.S.C. 109.

12 “(b) A health care service contractor’s classification as a domestic insur-  
13 ance company under paragraph (a) of this subsection does not subject the  
14 health care service contractor to ORS 734.510 to 734.710.

15 “(6) The Director of the Department of Consumer and Business Services  
16 may, after notice and hearing, adopt reasonable rules not inconsistent with  
17 this section and ORS 750.003, 750.005, 750.025 and 750.045 that are necessary  
18 for the proper administration of these provisions.

19 **“SECTION 3. This 2023 Act takes effect on the 91st day after the**  
20 **date on which the 2023 regular session of the Eighty-second Legislative**  
21 **Assembly adjourns sine die.”.**

22 \_\_\_\_\_