

A-Engrossed Senate Bill 1506

Ordered by the Senate February 16
Including Senate Amendments dated February 16

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Committee on Health Care)

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. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act temporarily lets pharmacists test a person for a virus and treat the person for the virus. The Act also tells some health insurers to pay the pharmacist who tests and treats the person. (Flesch Readability Score: 65.7).

[Digest: The Act tells the Oregon Health Authority to pay a pharmacist who tests or treats a person for a virus. Lets a pharmacist test for and treat a virus. Starts on October 1, 2024, and ends on June 30, 2026. (Flesch Readability Score: 62.3).]

Allows a pharmacist to test **and prescribe, dispense and administer treatment** for *[and treat a certain virus]* **SARS-CoV-2**. Requires the Oregon Health Authority medical assistance program, **health benefit plans and benefit plans offered by the Public Employees' Benefit Board and Oregon Educators Benefit Board** to reimburse a pharmacist for testing and **prescribing, dispensing and administering** treatment *[of the virus]* **for SARS-CoV-2**.

Sunset June 30, 2026.

Takes effect on the 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to pharmacy; creating new provisions; amending ORS 243.144, 243.877, 689.005 and
3 743A.051; and prescribing an effective date.

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

5 **SECTION 1. Section 2 of this 2024 Act is added to and made a part of ORS chapter 414.**

6 **SECTION 2. Notwithstanding ORS 414.065 and 414.690, medical assistance provided to a**
7 **member of a coordinated care organization or a medical assistance recipient who is not en-**
8 **rolled in a coordinated care organization shall include the testing and treatment, as de-**
9 **scribed in section 4 of this 2024 Act, performed or provided by a pharmacist.**

10 **SECTION 3. Section 4 of this 2024 Act is added to and made a part of ORS chapter 689.**

11 **SECTION 4. (1) Consistent with the protocols adopted by the State Board of Pharmacy**
12 **by rule, as recommended by the Public Health and Pharmacy Formulary Advisory Commit-**
13 **tee, a pharmacist may test for severe acute respiratory syndrome coronavirus 2**
14 **(SARS-CoV-2) and prescribe, dispense and administer treatment, including drug therapy, for**
15 **SARS-CoV-2.**

16 **(2) When testing for SARS-CoV-2, a pharmacist may use:**

17 **(a) A screening procedure that can be safely performed by a pharmacist; and**

18 **(b) A test that:**

19 **(A) Guides the pharmacist's clinical decision-making;**

20 **(B) Is determined by the Centers for Medicare and Medicaid Services to qualify as a**

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 **waived test under the Clinical Laboratory Improvement Amendments of 1988 (P.L. 100-578,**
2 **42 U.S.C. 201 and 263a) or federal regulations adopted pursuant to the Clinical Laboratory**
3 **Improvement Amendments of 1988 or is approved by the United States Food and Drug Ad-**
4 **ministration; and**

5 **(C) Is approved by the board by rule for use under this section.**

6 **(3) A pharmacist may delegate to a pharmacy technician or an intern under the**
7 **pharmacist's supervision the administrative and technical tasks of performing a task de-**
8 **scribed in subsection (2) of this section.**

9 **(4) The board may adopt rules as necessary to carry out this section.**

10 **SECTION 5.** ORS 689.005 is amended to read:

11 689.005. As used in this chapter:

12 (1) "Administer" means the direct application of a drug or device whether by injection,
13 inhalation, ingestion, or any other means, to the body of a patient or research subject by:

- 14 (a) A practitioner or the practitioner's authorized agent; or
15 (b) The patient or research subject at the direction of the practitioner.

16 (2) "Approved continuing pharmacy education program" means those seminars, classes,
17 meetings, workshops and other educational programs on the subject of pharmacy approved by the
18 State Board of Pharmacy.

19 (3) "Clinical pharmacy agreement" means an agreement between a pharmacist or pharmacy and
20 a health care organization or a physician as defined in ORS 677.010 or a naturopathic physician as
21 defined in ORS 685.010 that permits the pharmacist to engage in the practice of clinical pharmacy
22 for the benefit of the patients of the health care organization, physician or naturopathic physician.

23 (4) "Continuing pharmacy education" means:

- 24 (a) Professional, pharmaceutical post-graduate education in the general areas of socio-economic
25 and legal aspects of health care;
26 (b) The properties and actions of drugs and dosage forms; and
27 (c) The etiology, characteristics and therapeutics of the disease state.

28 (5) "Continuing pharmacy education unit" means the unit of measurement of credits for ap-
29 proved continuing education courses and programs.

30 (6) "Deliver" or "delivery" means the actual, constructive or attempted transfer of a drug or
31 device other than by administration from one person to another, whether or not for a consideration.

32 (7) "Device" means an instrument, apparatus, implement, machine, contrivance, implant, in vitro
33 reagent or other similar or related article, including any component part or accessory, which is re-
34 quired under federal or state law to be prescribed by a practitioner and dispensed by a pharmacist.

35 (8) "Dispense" or "dispensing" means the preparation and delivery of a prescription drug pur-
36 suant to a lawful order of a practitioner in a suitable container appropriately labeled for subsequent
37 administration to or use by a patient or other individual entitled to receive the prescription drug.

38 (9) "Distribute" means the delivery of a drug other than by administering or dispensing.

39 (10) "Drug" means:

40 (a) Articles recognized as drugs in the official United States Pharmacopoeia, official National
41 Formulary, official Homeopathic Pharmacopoeia, other drug compendium or any supplement to any
42 of them;

43 (b) Articles intended for use in the diagnosis, cure, mitigation, treatment or prevention of dis-
44 ease in a human or other animal;

45 (c) Articles, other than food, intended to affect the structure or any function of the body of hu-

1 mans or other animals; and

2 (d) Articles intended for use as a component of any articles specified in paragraph (a), (b) or (c)
3 of this subsection.

4 (11) "Drug order" means a written order, in a hospital or other inpatient care facility, for an
5 ultimate user of any drug or device issued and signed by a practitioner, or an order transmitted by
6 other means of communication from a practitioner, that is immediately reduced to writing by a
7 pharmacist, licensed nurse or other practitioner.

8 (12) "Drug outlet" means a pharmacy, nursing home, shelter home, convalescent home, extended
9 care facility, drug abuse treatment center, penal institution, hospital, family planning clinic, student
10 health center, retail store, wholesaler, manufacturer, mail-order vendor or other establishment with
11 facilities located within or out of this state that is engaged in dispensing, delivery or distribution
12 of drugs within this state.

13 (13) "Drug room" means a secure and lockable location within an inpatient care facility that
14 does not have a licensed pharmacy.

15 (14) "Electronically transmitted" or "electronic transmission" means a communication sent or
16 received through technological apparatuses, including computer terminals or other equipment or
17 mechanisms linked by telephone or microwave relays, or similar apparatus having electrical, digital,
18 magnetic, wireless, optical, electromagnetic or similar capabilities.

19 (15) "Injectable hormonal contraceptive" means a drug composed of a hormone or a combination
20 of hormones that is approved by the United States Food and Drug Administration to prevent preg-
21 nancy and that a health care practitioner administers to the patient by injection.

22 (16) "Institutional drug outlet" means hospitals and inpatient care facilities where medications
23 are dispensed to another health care professional for administration to patients served by the hos-
24 pitals or facilities.

25 (17) "Intern" means a person who is enrolled in or has completed a course of study at a school
26 or college of pharmacy approved by the board and who is licensed with the board as an intern.

27 (18) "Internship" means a professional experiential program approved by the board under the
28 supervision of a licensed pharmacist registered with the board as a preceptor.

29 (19) "Labeling" means the process of preparing and affixing of a label to any drug container
30 exclusive, however, of the labeling by a manufacturer, packer or distributor of a nonprescription
31 drug or commercially packaged legend drug or device.

32 (20) "Manufacture" means the production, preparation, propagation, compounding, conversion
33 or processing of a device or a drug, either directly or indirectly by extraction from substances of
34 natural origin or independently by means of chemical synthesis or by a combination of extraction
35 and chemical synthesis and includes any packaging or repackaging of the substances or labeling or
36 relabeling of its container, except that this term does not include the preparation or compounding
37 of a drug by an individual for their own use or the preparation, compounding, packaging or labeling
38 of a drug:

39 (a) By a practitioner as an incident to administering or dispensing of a drug in the course of
40 professional practice; or

41 (b) By a practitioner or by the practitioner's authorization under supervision of the practitioner
42 for the purpose of or as an incident to research, teaching or chemical analysis and not for sale.

43 (21) "Manufacturer" means a person engaged in the manufacture of drugs.

44 (22) "Nonprescription drug outlet" means a business or other establishment that is open to the
45 general public for the sale or nonprofit distribution of nonprescription drugs and is registered under

1 ORS 689.305.

2 (23) "Nonprescription drugs" means drugs that may be sold without a prescription and that are
3 prepackaged for use by the consumer and labeled in accordance with the requirements of the stat-
4 utes and regulations of this state and the federal government.

5 (24) "Person" means an individual, corporation, partnership, association or other legal entity.

6 (25) "Pharmacist" means an individual licensed by this state to engage in the practice of phar-
7 macy or to engage in the practice of clinical pharmacy.

8 (26) "Pharmacy" means a place that meets the requirements of rules of the board, is licensed
9 and approved by the board where the practice of pharmacy may lawfully occur and includes
10 apothecaries, drug stores, dispensaries, hospital outpatient pharmacies, pharmacy departments and
11 prescription laboratories but does not include a place used by a manufacturer or wholesaler.

12 (27) "Pharmacy technician" means a person licensed by the board who assists in the practice
13 of pharmacy pursuant to rules of the board.

14 (28) "Practice of clinical pharmacy" means:

15 (a) The health science discipline in which, in conjunction with the patient's other practitioners,
16 a pharmacist provides patient care to optimize medication therapy and to promote disease pre-
17 vention and the patient's health and wellness;

18 (b) The provision of patient care services, including but not limited to post-diagnostic disease
19 state management services; and

20 (c) The practice of pharmacy by a pharmacist pursuant to a clinical pharmacy agreement.

21 (29) "Practice of pharmacy" means:

22 (a) The interpretation and evaluation of prescription orders;

23 (b) The compounding, dispensing and labeling of drugs and devices, except labeling by a man-
24 ufacturer, packer or distributor of nonprescription drugs and commercially packaged legend drugs
25 and devices;

26 (c) The prescribing and administering of vaccines and immunizations and the providing of pa-
27 tient care services pursuant to ORS 689.645;

28 (d) The administering of drugs and devices to the extent permitted under ORS 689.655;

29 (e) The participation in drug selection and drug utilization reviews;

30 (f) The proper and safe storage of drugs and devices and the maintenance of proper records re-
31 garding the safe storage of drugs and devices;

32 (g) The responsibility for advising, where necessary or where regulated, of therapeutic values,
33 content, hazards and use of drugs and devices;

34 (h) The monitoring of therapeutic response or adverse effect to drug therapy;

35 (i) The optimizing of drug therapy through the practice of clinical pharmacy;

36 (j) Patient care services, including medication therapy management and comprehensive
37 medication review;

38 (k) The offering or performing of those acts, services, operations or transactions necessary in
39 the conduct, operation, management and control of pharmacy;

40 (L) The prescribing and administering of injectable hormonal contraceptives and the prescribing
41 and dispensing of self-administered hormonal contraceptives pursuant to ORS 689.689;

42 (m) The prescribing and dispensing of emergency refills of insulin and associated insulin-related
43 devices and supplies pursuant to ORS 689.696;

44 (n) The prescribing, dispensing and administering of preexposure prophylactic antiretroviral
45 therapies and post-exposure prophylactic antiretroviral therapies, pursuant to ORS 689.704 and rules

1 adopted by the board under ORS 689.645 and 689.704; *and*

2 (o) The delegation of tasks to other health care providers who are appropriately trained and
3 authorized to perform the delegated tasks[.]; **and**

4 **(p) The testing for severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) and**
5 **the prescribing, dispensing and administering of treatment for SARS-CoV-2 pursuant to**
6 **section 4 of this 2024 Act and rules adopted by the board pursuant to section 4 of this 2024**
7 **Act.**

8 (30) “Practitioner” means a person licensed and operating within the scope of such license to
9 prescribe, dispense, conduct research with respect to or administer drugs in the course of profes-
10 sional practice or research:

11 (a) In this state; or

12 (b) In another state or territory of the United States if the person does not reside in Oregon and
13 is registered under the federal Controlled Substances Act.

14 (31) “Preceptor” means a pharmacist or a person licensed by the board to supervise the
15 internship training of a licensed intern.

16 (32) “Prescription drug” or “legend drug” means a drug that is:

17 (a) Required by federal law, prior to being dispensed or delivered, to be labeled with either of
18 the following statements:

19 (A) “Caution: Federal law prohibits dispensing without prescription”; or

20 (B) “Caution: Federal law restricts this drug to use by or on the order of a licensed
21 veterinarian”; or

22 (b) Required by any applicable federal or state law or regulation to be dispensed on prescription
23 only or is restricted to use by practitioners only.

24 (33) “Prescription” or “prescription drug order” means a written, oral or electronically trans-
25 mitted direction, given by a practitioner authorized to prescribe drugs, for the preparation and use
26 of a drug. When the context requires, “prescription” also means the drug prepared under such
27 written, oral or electronically transmitted direction.

28 (34) “Retail drug outlet” means a place used for the conduct of the retail sale, administering or
29 dispensing or compounding of drugs or chemicals or for the administering or dispensing of pre-
30 scriptions and licensed by the board as a place where the practice of pharmacy may lawfully occur.

31 (35) “Self-administered hormonal contraceptive” means a drug composed of a hormone or a
32 combination of hormones that is approved by the United States Food and Drug Administration to
33 prevent pregnancy and that the patient to whom the drug is prescribed may administer to oneself.
34 “Self-administered hormonal contraceptive” includes, but is not limited to, hormonal contraceptive
35 patches and hormonal contraceptive pills.

36 (36) “Third-party logistics provider” means an entity that:

37 (a) Provides or coordinates warehousing of, or other logistics services for, a product in inter-
38 state commerce on behalf of a manufacturer, wholesale distributor or dispenser of the product; and

39 (b) Does not take ownership of, or have responsibility to direct the sale or disposition of, the
40 product.

41 (37) “Unit dose” means a sealed single-unit container so designed that the contents are admin-
42 istered to the patient as a single dose, direct from the container. Each unit dose container must bear
43 a separate label, be labeled with the name and strength of the medication, the name of the man-
44 ufacturer or distributor, an identifying lot number and, if applicable, the expiration date of the
45 medication.

1 (38) “Wholesale distributor drug outlet” means a person, other than a manufacturer,
2 manufacturer’s colicensed partner, third-party logistics provider or repackager, as defined in 21
3 U.S.C. 360eee(16), that is engaged in wholesale distribution, as defined in 21 U.S.C. 353(e)(4).

4 **SECTION 6.** ORS 689.005, as amended by section 5 of this 2024 Act, is amended to read:
5 689.005. As used in this chapter:

6 (1) “Administer” means the direct application of a drug or device whether by injection,
7 inhalation, ingestion, or any other means, to the body of a patient or research subject by:

- 8 (a) A practitioner or the practitioner’s authorized agent; or
9 (b) The patient or research subject at the direction of the practitioner.

10 (2) “Approved continuing pharmacy education program” means those seminars, classes,
11 meetings, workshops and other educational programs on the subject of pharmacy approved by the
12 State Board of Pharmacy.

13 (3) “Clinical pharmacy agreement” means an agreement between a pharmacist or pharmacy and
14 a health care organization or a physician as defined in ORS 677.010 or a naturopathic physician as
15 defined in ORS 685.010 that permits the pharmacist to engage in the practice of clinical pharmacy
16 for the benefit of the patients of the health care organization, physician or naturopathic physician.

17 (4) “Continuing pharmacy education” means:

18 (a) Professional, pharmaceutical post-graduate education in the general areas of socio-economic
19 and legal aspects of health care;

20 (b) The properties and actions of drugs and dosage forms; and

21 (c) The etiology, characteristics and therapeutics of the disease state.

22 (5) “Continuing pharmacy education unit” means the unit of measurement of credits for ap-
23 proved continuing education courses and programs.

24 (6) “Deliver” or “delivery” means the actual, constructive or attempted transfer of a drug or
25 device other than by administration from one person to another, whether or not for a consideration.

26 (7) “Device” means an instrument, apparatus, implement, machine, contrivance, implant, in vitro
27 reagent or other similar or related article, including any component part or accessory, which is re-
28 quired under federal or state law to be prescribed by a practitioner and dispensed by a pharmacist.

29 (8) “Dispense” or “dispensing” means the preparation and delivery of a prescription drug pur-
30 suant to a lawful order of a practitioner in a suitable container appropriately labeled for subsequent
31 administration to or use by a patient or other individual entitled to receive the prescription drug.

32 (9) “Distribute” means the delivery of a drug other than by administering or dispensing.

33 (10) “Drug” means:

34 (a) Articles recognized as drugs in the official United States Pharmacopoeia, official National
35 Formulary, official Homeopathic Pharmacopoeia, other drug compendium or any supplement to any
36 of them;

37 (b) Articles intended for use in the diagnosis, cure, mitigation, treatment or prevention of dis-
38 ease in a human or other animal;

39 (c) Articles, other than food, intended to affect the structure or any function of the body of hu-
40 mans or other animals; and

41 (d) Articles intended for use as a component of any articles specified in paragraph (a), (b) or (c)
42 of this subsection.

43 (11) “Drug order” means a written order, in a hospital or other inpatient care facility, for an
44 ultimate user of any drug or device issued and signed by a practitioner, or an order transmitted by
45 other means of communication from a practitioner, that is immediately reduced to writing by a

1 pharmacist, licensed nurse or other practitioner.

2 (12) "Drug outlet" means a pharmacy, nursing home, shelter home, convalescent home, extended
3 care facility, drug abuse treatment center, penal institution, hospital, family planning clinic, student
4 health center, retail store, wholesaler, manufacturer, mail-order vendor or other establishment with
5 facilities located within or out of this state that is engaged in dispensing, delivery or distribution
6 of drugs within this state.

7 (13) "Drug room" means a secure and lockable location within an inpatient care facility that
8 does not have a licensed pharmacy.

9 (14) "Electronically transmitted" or "electronic transmission" means a communication sent or
10 received through technological apparatuses, including computer terminals or other equipment or
11 mechanisms linked by telephone or microwave relays, or similar apparatus having electrical, digital,
12 magnetic, wireless, optical, electromagnetic or similar capabilities.

13 (15) "Injectable hormonal contraceptive" means a drug composed of a hormone or a combination
14 of hormones that is approved by the United States Food and Drug Administration to prevent preg-
15 nancy and that a health care practitioner administers to the patient by injection.

16 (16) "Institutional drug outlet" means hospitals and inpatient care facilities where medications
17 are dispensed to another health care professional for administration to patients served by the hos-
18 pitals or facilities.

19 (17) "Intern" means a person who is enrolled in or has completed a course of study at a school
20 or college of pharmacy approved by the board and who is licensed with the board as an intern.

21 (18) "Internship" means a professional experiential program approved by the board under the
22 supervision of a licensed pharmacist registered with the board as a preceptor.

23 (19) "Labeling" means the process of preparing and affixing of a label to any drug container
24 exclusive, however, of the labeling by a manufacturer, packer or distributor of a nonprescription
25 drug or commercially packaged legend drug or device.

26 (20) "Manufacture" means the production, preparation, propagation, compounding, conversion
27 or processing of a device or a drug, either directly or indirectly by extraction from substances of
28 natural origin or independently by means of chemical synthesis or by a combination of extraction
29 and chemical synthesis and includes any packaging or repackaging of the substances or labeling or
30 relabeling of its container, except that this term does not include the preparation or compounding
31 of a drug by an individual for their own use or the preparation, compounding, packaging or labeling
32 of a drug:

33 (a) By a practitioner as an incident to administering or dispensing of a drug in the course of
34 professional practice; or

35 (b) By a practitioner or by the practitioner's authorization under supervision of the practitioner
36 for the purpose of or as an incident to research, teaching or chemical analysis and not for sale.

37 (21) "Manufacturer" means a person engaged in the manufacture of drugs.

38 (22) "Nonprescription drug outlet" means a business or other establishment that is open to the
39 general public for the sale or nonprofit distribution of nonprescription drugs and is registered under
40 ORS 689.305.

41 (23) "Nonprescription drugs" means drugs that may be sold without a prescription and that are
42 prepackaged for use by the consumer and labeled in accordance with the requirements of the stat-
43 utes and regulations of this state and the federal government.

44 (24) "Person" means an individual, corporation, partnership, association or other legal entity.

45 (25) "Pharmacist" means an individual licensed by this state to engage in the practice of phar-

1 macy or to engage in the practice of clinical pharmacy.

2 (26) "Pharmacy" means a place that meets the requirements of rules of the board, is licensed
3 and approved by the board where the practice of pharmacy may lawfully occur and includes
4 apothecaries, drug stores, dispensaries, hospital outpatient pharmacies, pharmacy departments and
5 prescription laboratories but does not include a place used by a manufacturer or wholesaler.

6 (27) "Pharmacy technician" means a person licensed by the board who assists in the practice
7 of pharmacy pursuant to rules of the board.

8 (28) "Practice of clinical pharmacy" means:

9 (a) The health science discipline in which, in conjunction with the patient's other practitioners,
10 a pharmacist provides patient care to optimize medication therapy and to promote disease pre-
11 vention and the patient's health and wellness;

12 (b) The provision of patient care services, including but not limited to post-diagnostic disease
13 state management services; and

14 (c) The practice of pharmacy by a pharmacist pursuant to a clinical pharmacy agreement.

15 (29) "Practice of pharmacy" means:

16 (a) The interpretation and evaluation of prescription orders;

17 (b) The compounding, dispensing and labeling of drugs and devices, except labeling by a man-
18 ufacturer, packer or distributor of nonprescription drugs and commercially packaged legend drugs
19 and devices;

20 (c) The prescribing and administering of vaccines and immunizations and the providing of pa-
21 tient care services pursuant to ORS 689.645;

22 (d) The administering of drugs and devices to the extent permitted under ORS 689.655;

23 (e) The participation in drug selection and drug utilization reviews;

24 (f) The proper and safe storage of drugs and devices and the maintenance of proper records re-
25 garding the safe storage of drugs and devices;

26 (g) The responsibility for advising, where necessary or where regulated, of therapeutic values,
27 content, hazards and use of drugs and devices;

28 (h) The monitoring of therapeutic response or adverse effect to drug therapy;

29 (i) The optimizing of drug therapy through the practice of clinical pharmacy;

30 (j) Patient care services, including medication therapy management and comprehensive
31 medication review;

32 (k) The offering or performing of those acts, services, operations or transactions necessary in
33 the conduct, operation, management and control of pharmacy;

34 (L) The prescribing and administering of injectable hormonal contraceptives and the prescribing
35 and dispensing of self-administered hormonal contraceptives pursuant to ORS 689.689;

36 (m) The prescribing and dispensing of emergency refills of insulin and associated insulin-related
37 devices and supplies pursuant to ORS 689.696;

38 (n) The prescribing, dispensing and administering of preexposure prophylactic antiretroviral
39 therapies and post-exposure prophylactic antiretroviral therapies, pursuant to ORS 689.704 and rules
40 adopted by the board under ORS 689.645 and 689.704; **and**

41 (o) The delegation of tasks to other health care providers who are appropriately trained and
42 authorized to perform the delegated tasks[; *and*]

43 *[(p) The testing for severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) and the pre-*
44 *scribing, dispensing and administering of treatment for SARS-CoV-2 pursuant to section 4 of this 2024*
45 *Act and rules adopted by the board pursuant to section 4 of this 2024 Act].*

1 (30) "Practitioner" means a person licensed and operating within the scope of such license to
2 prescribe, dispense, conduct research with respect to or administer drugs in the course of profes-
3 sional practice or research:

4 (a) In this state; or

5 (b) In another state or territory of the United States if the person does not reside in Oregon and
6 is registered under the federal Controlled Substances Act.

7 (31) "Preceptor" means a pharmacist or a person licensed by the board to supervise the
8 internship training of a licensed intern.

9 (32) "Prescription drug" or "legend drug" means a drug that is:

10 (a) Required by federal law, prior to being dispensed or delivered, to be labeled with either of
11 the following statements:

12 (A) "Caution: Federal law prohibits dispensing without prescription"; or

13 (B) "Caution: Federal law restricts this drug to use by or on the order of a licensed
14 veterinarian"; or

15 (b) Required by any applicable federal or state law or regulation to be dispensed on prescription
16 only or is restricted to use by practitioners only.

17 (33) "Prescription" or "prescription drug order" means a written, oral or electronically trans-
18 mitted direction, given by a practitioner authorized to prescribe drugs, for the preparation and use
19 of a drug. When the context requires, "prescription" also means the drug prepared under such
20 written, oral or electronically transmitted direction.

21 (34) "Retail drug outlet" means a place used for the conduct of the retail sale, administering or
22 dispensing or compounding of drugs or chemicals or for the administering or dispensing of pre-
23 scriptions and licensed by the board as a place where the practice of pharmacy may lawfully occur.

24 (35) "Self-administered hormonal contraceptive" means a drug composed of a hormone or a
25 combination of hormones that is approved by the United States Food and Drug Administration to
26 prevent pregnancy and that the patient to whom the drug is prescribed may administer to oneself.
27 "Self-administered hormonal contraceptive" includes, but is not limited to, hormonal contraceptive
28 patches and hormonal contraceptive pills.

29 (36) "Third-party logistics provider" means an entity that:

30 (a) Provides or coordinates warehousing of, or other logistics services for, a product in inter-
31 state commerce on behalf of a manufacturer, wholesale distributor or dispenser of the product; and

32 (b) Does not take ownership of, or have responsibility to direct the sale or disposition of, the
33 product.

34 (37) "Unit dose" means a sealed single-unit container so designed that the contents are admin-
35 istered to the patient as a single dose, direct from the container. Each unit dose container must bear
36 a separate label, be labeled with the name and strength of the medication, the name of the man-
37 ufacturer or distributor, an identifying lot number and, if applicable, the expiration date of the
38 medication.

39 (38) "Wholesale distributor drug outlet" means a person, other than a manufacturer,
40 manufacturer's colicensed partner, third-party logistics provider or repackager, as defined in 21
41 U.S.C. 360eee(16), that is engaged in wholesale distribution, as defined in 21 U.S.C. 353(e)(4).

42 **SECTION 7.** ORS 743A.051 is amended to read:

43 743A.051. (1) Notwithstanding any provisions of a health benefit plan as defined in ORS
44 743B.005, whenever the plan provides for payment or reimbursement for a service that is within the
45 lawful scope of practice of a pharmacist, the insurer:

1 [(1)] (a) May provide payment or reimbursement for the service when the service is provided
2 by a pharmacist; and

3 [(2)] (b) Shall provide, in the same manner as would be provided for any other health care pro-
4 vider, payment or reimbursement for:

5 [(a)(A)] (A)(i) The prescription of emergency refills of insulin and associated insulin-related de-
6 vices and supplies as described in ORS 689.696; and

7 [(B)] (ii) The service provided by the pharmacist;

8 [(b)(A)] (B)(i) The prescription, dispensation and administration of preexposure and post-
9 exposure prophylactic antiretroviral therapies pursuant to ORS 689.704 and any rules adopted by the
10 State Board of Pharmacy under ORS 689.645 and 689.704; and

11 [(B)] (ii) The service provided by the pharmacist; *[and]*

12 (C)(i) **The testing for severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) and**
13 **the prescribing, dispensing and administering of treatment for SARS-CoV-2 pursuant to**
14 **section 4 of this 2024 Act; and**

15 (ii) **The service provided by the pharmacist; and**

16 [(c)(A)] (D)(i) The prescription and dispensation of other prescription drugs by a licensed
17 pharmacist if the State Board of Pharmacy or any state law authorizes the drug to be prescribed
18 and dispensed by pharmacists licensed under ORS chapter 689; and

19 [(B)] (ii) The service provided by the pharmacist.

20 [(3)] (2) This section is exempt from ORS 743A.001.

21 **SECTION 8.** ORS 743A.051, as amended by section 7 of this 2024 Act, is amended to read:

22 743A.051. (1) Notwithstanding any provisions of a health benefit plan as defined in ORS
23 743B.005, whenever the plan provides for payment or reimbursement for a service that is within the
24 lawful scope of practice of a pharmacist, the insurer:

25 (a) May provide payment or reimbursement for the service when the service is provided by a
26 pharmacist; and

27 (b) Shall provide, in the same manner as would be provided for any other health care provider,
28 payment or reimbursement for:

29 (A)(i) The prescription of emergency refills of insulin and associated insulin-related devices and
30 supplies as described in ORS 689.696; and

31 (ii) The service provided by the pharmacist;

32 (B)(i) The prescription, dispensation and administration of preexposure and post-exposure
33 prophylactic antiretroviral therapies pursuant to ORS 689.704 and any rules adopted by the State
34 Board of Pharmacy under ORS 689.645 and 689.704; and

35 (ii) The service provided by the pharmacist; **and**

36 [(C)(i)] *The testing for severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) and the*
37 *prescribing, dispensing and administering of treatment for SARS-CoV-2 pursuant to section 4 of this*
38 *2024 Act; and]*

39 [(ii)] *The service provided by the pharmacist; and]*

40 [(D)(i)] (C)(i) The prescription and dispensation of other prescription drugs by a licensed
41 pharmacist if the State Board of Pharmacy or any state law authorizes the drug to be prescribed
42 and dispensed by pharmacists licensed under ORS chapter 689; and

43 (ii) The service provided by the pharmacist.

44 (2) This section is exempt from ORS 743A.001.

45 **SECTION 9.** ORS 243.144 is amended to read:

1 243.144. Benefit plans offered by the Public Employees' Benefit Board that reimburse the cost
2 of medical and other health services and supplies must comply with the requirements for health
3 benefit plan coverage described in:

- 4 (1) ORS 743A.058;
- 5 (2) ORS 743A.140;
- 6 (3) ORS 743A.141;
- 7 (4) ORS 743B.256;
- 8 (5) ORS 743B.287 (4);
- 9 (6) ORS 743B.420;
- 10 (7) ORS 743B.423;
- 11 (8) ORS 743B.601;
- 12 (9) ORS 743B.810; [*and*]
- 13 (10) ORS 743A.325; **and**
- 14 (11) **ORS 743A.051 (2)(c)**.

15 **SECTION 10.** ORS 243.144, as amended by section 9 of this 2024 Act, is amended to read:

16 243.144. Benefit plans offered by the Public Employees' Benefit Board that reimburse the cost
17 of medical and other health services and supplies must comply with the requirements for health
18 benefit plan coverage described in:

- 19 (1) ORS 743A.058;
- 20 (2) ORS 743A.140;
- 21 (3) ORS 743A.141;
- 22 (4) ORS 743B.256;
- 23 (5) ORS 743B.287 (4);
- 24 (6) ORS 743B.420;
- 25 (7) ORS 743B.423;
- 26 (8) ORS 743B.601;
- 27 (9) ORS 743B.810; **and**
- 28 (10) ORS 743A.325[; *and*]
- 29 [(11) *ORS 743A.051 (2)(c)*].

30 **SECTION 11.** ORS 243.877 is amended to read:

31 243.877. Benefit plans offered by the Oregon Educators Benefit Board that reimburse the cost
32 of medical and other health services and supplies must comply with the requirements for health
33 benefit plan coverage described in:

- 34 (1) ORS 743A.058;
- 35 (2) ORS 743A.140;
- 36 (3) ORS 743A.141;
- 37 (4) ORS 743B.256;
- 38 (5) ORS 743B.287 (4);
- 39 (6) ORS 743B.420;
- 40 (7) ORS 743B.423;
- 41 (8) ORS 743B.601;
- 42 (9) ORS 743B.810; [*and*]
- 43 (10) ORS 743A.325[.]; **and**
- 44 (11) **ORS 743A.051 (2)(c)**.

45 **SECTION 12.** ORS 243.877, as amended by section 11 of this 2024 Act, is amended to read:

1 243.877. Benefit plans offered by the Oregon Educators Benefit Board that reimburse the cost
2 of medical and other health services and supplies must comply with the requirements for health
3 benefit plan coverage described in:

4 (1) ORS 743A.058;

5 (2) ORS 743A.140;

6 (3) ORS 743A.141;

7 (4) ORS 743B.256;

8 (5) ORS 743B.287 (4);

9 (6) ORS 743B.420;

10 (7) ORS 743B.423;

11 (8) ORS 743B.601;

12 (9) ORS 743B.810; **and**

13 (10) ORS 743A.325[; *and*]

14 [(11) ORS 743A.051 (2)(c)].

15 **SECTION 13. The amendments to ORS 243.144, 243.877, 689.005 and 743A.051 by sections**
16 **6, 8, 10 and 12 of this 2024 Act become operative on June 30, 2026.**

17 **SECTION 14. (1) The amendments to ORS 243.144 by section 9 of this 2024 Act apply to**
18 **benefit plans issued, renewed or extended on or after October 1, 2024.**

19 **(2) The amendments to ORS 243.877 by section 11 of this 2024 Act apply to benefit plans**
20 **issued, renewed or extended on or after October 1, 2024.**

21 **(3) The amendments to ORS 743A.051 by section 7 of this 2024 Act apply to health benefit**
22 **plans issued, renewed or extended on or after October 1, 2024.**

23 **SECTION 15. Sections 2 and 4 of this 2024 Act are repealed on June 30, 2026.**

24 **SECTION 16. (1) Sections 2 and 4 of this 2024 Act and the amendments to ORS 243.144,**
25 **243.877, 689.005 and 743A.051 by sections 5, 7, 9 and 11 of this 2024 Act become operative on**
26 **October 1, 2024.**

27 **(2) The Oregon Health Authority, the Oregon Educators Benefit Board, the Public**
28 **Employees' Benefit Board and the State Board of Pharmacy may take any action before the**
29 **operative date specified in this section that is necessary to enable the authority and the**
30 **boards to exercise, on or after the operative date specified in subsection (1) of this section,**
31 **all of the duties, functions and powers conferred on the authority and the boards by sections**
32 **2 and 4 of this 2024 Act and the amendments to ORS 243.144, 243.877, 689.005 and 743A.051**
33 **by sections 5, 7, 9 and 11 of this 2024 Act.**

34 **SECTION 17. This 2024 Act takes effect on the 91st day after the date on which the 2024**
35 **regular session of the Eighty-second Legislative Assembly adjourns sine die.**

36