

## SENATE AMENDMENTS TO SENATE BILL 1506

By COMMITTEE ON HEALTH CARE

February 16

1 On page 1 of the printed bill, line 2, delete “689.005” and insert “243.144, 243.877, 689.005 and  
2 743A.051”.

3 Delete lines 6 through 8 and insert:

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

8 Delete lines 10 through 27 and delete pages 2 through 9 and insert:

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

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

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

16 **“(b) A test that:**

17 **“(A) Guides the pharmacist’s clinical decision-making;**

18 **“(B) Is determined by the Centers for Medicare and Medicaid Services to qualify as a  
19 waived test under the Clinical Laboratory Improvement Amendments of 1988 (P.L. 100-578,  
20 42 U.S.C. 201 and 263a) or federal regulations adopted pursuant to the Clinical Laboratory  
21 Improvement Amendments of 1988 or is approved by the United States Food and Drug Ad-  
22 ministration; and**

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

24 **“(3) A pharmacist may delegate to a pharmacy technician or an intern under the  
25 pharmacist’s supervision the administrative and technical tasks of performing a task de-  
26 scribed in subsection (2) of this section.**

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

28 **“SECTION 5. ORS 689.005 is amended to read:**

29 **“689.005. As used in this chapter:**

30 **“(1) ‘Administer’ means the direct application of a drug or device whether by injection,  
31 inhalation, ingestion, or any other means, to the body of a patient or research subject by:**

32 **“(a) A practitioner or the practitioner’s authorized agent; or**

33 **“(b) The patient or research subject at the direction of the practitioner.**

34 **“(2) ‘Approved continuing pharmacy education program’ means those seminars, classes,  
35 meetings, workshops and other educational programs on the subject of pharmacy approved by the**

1 State Board of Pharmacy.

2 “(3) ‘Clinical pharmacy agreement’ means an agreement between a pharmacist or pharmacy and  
3 a health care organization or a physician as defined in ORS 677.010 or a naturopathic physician as  
4 defined in ORS 685.010 that permits the pharmacist to engage in the practice of clinical pharmacy  
5 for the benefit of the patients of the health care organization, physician or naturopathic physician.

6 “(4) ‘Continuing pharmacy education’ means:

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

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

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

11 “(5) ‘Continuing pharmacy education unit’ means the unit of measurement of credits for ap-  
12 proved continuing education courses and programs.

13 “(6) ‘Deliver’ or ‘delivery’ means the actual, constructive or attempted transfer of a drug or de-  
14 vice other than by administration from one person to another, whether or not for a consideration.

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

18 “(8) ‘Dispense’ or ‘dispensing’ means the preparation and delivery of a prescription drug pursu-  
19 ant to a lawful order of a practitioner in a suitable container appropriately labeled for subsequent  
20 administration to or use by a patient or other individual entitled to receive the prescription drug.

21 “(9) ‘Distribute’ means the delivery of a drug other than by administering or dispensing.

22 “(10) ‘Drug’ means:

23 “(a) Articles recognized as drugs in the official United States Pharmacopoeia, official National  
24 Formulary, official Homeopathic Pharmacopoeia, other drug compendium or any supplement to any  
25 of them;

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

28 “(c) Articles, other than food, intended to affect the structure or any function of the body of  
29 humans or other animals; and

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

32 “(11) ‘Drug order’ means a written order, in a hospital or other inpatient care facility, for an  
33 ultimate user of any drug or device issued and signed by a practitioner, or an order transmitted by  
34 other means of communication from a practitioner, that is immediately reduced to writing by a  
35 pharmacist, licensed nurse or other practitioner.

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

41 “(13) ‘Drug room’ means a secure and lockable location within an inpatient care facility that  
42 does not have a licensed pharmacy.

43 “(14) ‘Electronically transmitted’ or ‘electronic transmission’ means a communication sent or  
44 received through technological apparatuses, including computer terminals or other equipment or  
45 mechanisms linked by telephone or microwave relays, or similar apparatus having electrical, digital,

1 magnetic, wireless, optical, electromagnetic or similar capabilities.

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

5 “(16) ‘Institutional drug outlet’ means hospitals and inpatient care facilities where medications  
6 are dispensed to another health care professional for administration to patients served by the hos-  
7 pitals or facilities.

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

10 “(18) ‘Internship’ means a professional experiential program approved by the board under the  
11 supervision of a licensed pharmacist registered with the board as a preceptor.

12 “(19) ‘Labeling’ means the process of preparing and affixing of a label to any drug container  
13 exclusive, however, of the labeling by a manufacturer, packer or distributor of a nonprescription  
14 drug or commercially packaged legend drug or device.

15 “(20) ‘Manufacture’ means the production, preparation, propagation, compounding, conversion  
16 or processing of a device or a drug, either directly or indirectly by extraction from substances of  
17 natural origin or independently by means of chemical synthesis or by a combination of extraction  
18 and chemical synthesis and includes any packaging or repackaging of the substances or labeling or  
19 relabeling of its container, except that this term does not include the preparation or compounding  
20 of a drug by an individual for their own use or the preparation, compounding, packaging or labeling  
21 of a drug:

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

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

26 “(21) ‘Manufacturer’ means a person engaged in the manufacture of drugs.

27 “(22) ‘Nonprescription drug outlet’ means a business or other establishment that is open to the  
28 general public for the sale or nonprofit distribution of nonprescription drugs and is registered under  
29 ORS 689.305.

30 “(23) ‘Nonprescription drugs’ means drugs that may be sold without a prescription and that are  
31 prepackaged for use by the consumer and labeled in accordance with the requirements of the stat-  
32 utes and regulations of this state and the federal government.

33 “(24) ‘Person’ means an individual, corporation, partnership, association or other legal entity.

34 “(25) ‘Pharmacist’ means an individual licensed by this state to engage in the practice of phar-  
35 macy or to engage in the practice of clinical pharmacy.

36 “(26) ‘Pharmacy’ means a place that meets the requirements of rules of the board, is licensed  
37 and approved by the board where the practice of pharmacy may lawfully occur and includes  
38 apothecaries, drug stores, dispensaries, hospital outpatient pharmacies, pharmacy departments and  
39 prescription laboratories but does not include a place used by a manufacturer or wholesaler.

40 “(27) ‘Pharmacy technician’ means a person licensed by the board who assists in the practice  
41 of pharmacy pursuant to rules of the board.

42 “(28) ‘Practice of clinical pharmacy’ means:

43 “(a) The health science discipline in which, in conjunction with the patient’s other practitioners,  
44 a pharmacist provides patient care to optimize medication therapy and to promote disease pre-  
45 vention and the patient’s health and wellness;

1 “(b) The provision of patient care services, including but not limited to post-diagnostic disease  
2 state management services; and  
3 “(c) The practice of pharmacy by a pharmacist pursuant to a clinical pharmacy agreement.  
4 “(29) ‘Practice of pharmacy’ means:  
5 “(a) The interpretation and evaluation of prescription orders;  
6 “(b) The compounding, dispensing and labeling of drugs and devices, except labeling by a man-  
7 ufacturer, packer or distributor of nonprescription drugs and commercially packaged legend drugs  
8 and devices;  
9 “(c) The prescribing and administering of vaccines and immunizations and the providing of pa-  
10 tient care services pursuant to ORS 689.645;  
11 “(d) The administering of drugs and devices to the extent permitted under ORS 689.655;  
12 “(e) The participation in drug selection and drug utilization reviews;  
13 “(f) The proper and safe storage of drugs and devices and the maintenance of proper records  
14 regarding the safe storage of drugs and devices;  
15 “(g) The responsibility for advising, where necessary or where regulated, of therapeutic values,  
16 content, hazards and use of drugs and devices;  
17 “(h) The monitoring of therapeutic response or adverse effect to drug therapy;  
18 “(i) The optimizing of drug therapy through the practice of clinical pharmacy;  
19 “(j) Patient care services, including medication therapy management and comprehensive  
20 medication review;  
21 “(k) The offering or performing of those acts, services, operations or transactions necessary in  
22 the conduct, operation, management and control of pharmacy;  
23 “(L) The prescribing and administering of injectable hormonal contraceptives and the prescrib-  
24 ing and dispensing of self-administered hormonal contraceptives pursuant to ORS 689.689;  
25 “(m) The prescribing and dispensing of emergency refills of insulin and associated insulin-related  
26 devices and supplies pursuant to ORS 689.696;  
27 “(n) The prescribing, dispensing and administering of preexposure prophylactic antiretroviral  
28 therapies and post-exposure prophylactic antiretroviral therapies, pursuant to ORS 689.704 and rules  
29 adopted by the board under ORS 689.645 and 689.704; [and]  
30 “(o) The delegation of tasks to other health care providers who are appropriately trained and  
31 authorized to perform the delegated tasks[.]; and  
32 **“(p) The testing for severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) and**  
33 **the prescribing, dispensing and administering of treatment for SARS-CoV-2 pursuant to**  
34 **section 4 of this 2024 Act and rules adopted by the board pursuant to section 4 of this 2024**  
35 **Act.**  
36 “(30) ‘Practitioner’ means a person licensed and operating within the scope of such license to  
37 prescribe, dispense, conduct research with respect to or administer drugs in the course of profes-  
38 sional practice or research:  
39 “(a) In this state; or  
40 “(b) In another state or territory of the United States if the person does not reside in Oregon  
41 and is registered under the federal Controlled Substances Act.  
42 “(31) ‘Preceptor’ means a pharmacist or a person licensed by the board to supervise the  
43 internship training of a licensed intern.  
44 “(32) ‘Prescription drug’ or ‘legend drug’ means a drug that is:  
45 “(a) Required by federal law, prior to being dispensed or delivered, to be labeled with either of

1 the following statements:

2 “(A) ‘Caution: Federal law prohibits dispensing without prescription’; or

3 “(B) ‘Caution: Federal law restricts this drug to use by or on the order of a licensed  
4 veterinarian’; or

5 “(b) Required by any applicable federal or state law or regulation to be dispensed on pre-  
6 scription only or is restricted to use by practitioners only.

7 “(33) ‘Prescription’ or ‘prescription drug order’ means a written, oral or electronically trans-  
8 mitted direction, given by a practitioner authorized to prescribe drugs, for the preparation and use  
9 of a drug. When the context requires, ‘prescription’ also means the drug prepared under such writ-  
10 ten, oral or electronically transmitted direction.

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

14 “(35) ‘Self-administered hormonal contraceptive’ means a drug composed of a hormone or a  
15 combination of hormones that is approved by the United States Food and Drug Administration to  
16 prevent pregnancy and that the patient to whom the drug is prescribed may administer to oneself.  
17 ‘Self-administered hormonal contraceptive’ includes, but is not limited to, hormonal contraceptive  
18 patches and hormonal contraceptive pills.

19 “(36) ‘Third-party logistics provider’ means an entity that:

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

22 “(b) Does not take ownership of, or have responsibility to direct the sale or disposition of, the  
23 product.

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

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

32 “**SECTION 6.** ORS 689.005, as amended by section 5 of this 2024 Act, is amended to read:

33 “689.005. As used in this chapter:

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

36 “(a) A practitioner or the practitioner’s authorized agent; or

37 “(b) The patient or research subject at the direction of the practitioner.

38 “(2) ‘Approved continuing pharmacy education program’ means those seminars, classes,  
39 meetings, workshops and other educational programs on the subject of pharmacy approved by the  
40 State Board of Pharmacy.

41 “(3) ‘Clinical pharmacy agreement’ means an agreement between a pharmacist or pharmacy and  
42 a health care organization or a physician as defined in ORS 677.010 or a naturopathic physician as  
43 defined in ORS 685.010 that permits the pharmacist to engage in the practice of clinical pharmacy  
44 for the benefit of the patients of the health care organization, physician or naturopathic physician.

45 “(4) ‘Continuing pharmacy education’ means:

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

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

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

5       “(5) ‘Continuing pharmacy education unit’ means the unit of measurement of credits for ap-  
6 proved continuing education courses and programs.

7       “(6) ‘Deliver’ or ‘delivery’ means the actual, constructive or attempted transfer of a drug or de-  
8 vice other than by administration from one person to another, whether or not for a consideration.

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

12       “(8) ‘Dispense’ or ‘dispensing’ means the preparation and delivery of a prescription drug pursu-  
13 ant to a lawful order of a practitioner in a suitable container appropriately labeled for subsequent  
14 administration to or use by a patient or other individual entitled to receive the prescription drug.

15       “(9) ‘Distribute’ means the delivery of a drug other than by administering or dispensing.

16       “(10) ‘Drug’ means:

17       “(a) Articles recognized as drugs in the official United States Pharmacopoeia, official National  
18 Formulary, official Homeopathic Pharmacopoeia, other drug compendium or any supplement to any  
19 of them;

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

22       “(c) Articles, other than food, intended to affect the structure or any function of the body of  
23 humans or other animals; and

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

26       “(11) ‘Drug order’ means a written order, in a hospital or other inpatient care facility, for an  
27 ultimate user of any drug or device issued and signed by a practitioner, or an order transmitted by  
28 other means of communication from a practitioner, that is immediately reduced to writing by a  
29 pharmacist, licensed nurse or other practitioner.

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

35       “(13) ‘Drug room’ means a secure and lockable location within an inpatient care facility that  
36 does not have a licensed pharmacy.

37       “(14) ‘Electronically transmitted’ or ‘electronic transmission’ means a communication sent or  
38 received through technological apparatuses, including computer terminals or other equipment or  
39 mechanisms linked by telephone or microwave relays, or similar apparatus having electrical, digital,  
40 magnetic, wireless, optical, electromagnetic or similar capabilities.

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

44       “(16) ‘Institutional drug outlet’ means hospitals and inpatient care facilities where medications  
45 are dispensed to another health care professional for administration to patients served by the hos-

1   pitals or facilities.

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

4       “(18) ‘Internship’ means a professional experiential program approved by the board under the  
5 supervision of a licensed pharmacist registered with the board as a preceptor.

6       “(19) ‘Labeling’ means the process of preparing and affixing of a label to any drug container  
7 exclusive, however, of the labeling by a manufacturer, packer or distributor of a nonprescription  
8 drug or commercially packaged legend drug or device.

9       “(20) ‘Manufacture’ means the production, preparation, propagation, compounding, conversion  
10 or processing of a device or a drug, either directly or indirectly by extraction from substances of  
11 natural origin or independently by means of chemical synthesis or by a combination of extraction  
12 and chemical synthesis and includes any packaging or repackaging of the substances or labeling or  
13 relabeling of its container, except that this term does not include the preparation or compounding  
14 of a drug by an individual for their own use or the preparation, compounding, packaging or labeling  
15 of a drug:

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

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

20       “(21) ‘Manufacturer’ means a person engaged in the manufacture of drugs.

21       “(22) ‘Nonprescription drug outlet’ means a business or other establishment that is open to the  
22 general public for the sale or nonprofit distribution of nonprescription drugs and is registered under  
23 ORS 689.305.

24       “(23) ‘Nonprescription drugs’ means drugs that may be sold without a prescription and that are  
25 prepackaged for use by the consumer and labeled in accordance with the requirements of the stat-  
26 utes and regulations of this state and the federal government.

27       “(24) ‘Person’ means an individual, corporation, partnership, association or other legal entity.

28       “(25) ‘Pharmacist’ means an individual licensed by this state to engage in the practice of phar-  
29 macy or to engage in the practice of clinical pharmacy.

30       “(26) ‘Pharmacy’ means a place that meets the requirements of rules of the board, is licensed  
31 and approved by the board where the practice of pharmacy may lawfully occur and includes  
32 apothecaries, drug stores, dispensaries, hospital outpatient pharmacies, pharmacy departments and  
33 prescription laboratories but does not include a place used by a manufacturer or wholesaler.

34       “(27) ‘Pharmacy technician’ means a person licensed by the board who assists in the practice  
35 of pharmacy pursuant to rules of the board.

36       “(28) ‘Practice of clinical pharmacy’ means:

37       “(a) The health science discipline in which, in conjunction with the patient’s other practitioners,  
38 a pharmacist provides patient care to optimize medication therapy and to promote disease pre-  
39 vention and the patient’s health and wellness;

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

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

43       “(29) ‘Practice of pharmacy’ means:

44       “(a) The interpretation and evaluation of prescription orders;

45       “(b) The compounding, dispensing and labeling of drugs and devices, except labeling by a man-

1 manufacturer, packer or distributor of nonprescription drugs and commercially packaged legend drugs  
2 and devices;

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

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

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

7 “(f) The proper and safe storage of drugs and devices and the maintenance of proper records  
8 regarding the safe storage of drugs and devices;

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

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

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

13 “(j) Patient care services, including medication therapy management and comprehensive  
14 medication review;

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

17 “(L) The prescribing and administering of injectable hormonal contraceptives and the prescrib-  
18 ing and dispensing of self-administered hormonal contraceptives pursuant to ORS 689.689;

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

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

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

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

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

32 “(a) In this state; or

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

35 “(31) ‘Preceptor’ means a pharmacist or a person licensed by the board to supervise the  
36 internship training of a licensed intern.

37 “(32) ‘Prescription drug’ or ‘legend drug’ means a drug that is:

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

40 “(A) ‘Caution: Federal law prohibits dispensing without prescription’; or

41 “(B) ‘Caution: Federal law restricts this drug to use by or on the order of a licensed  
42 veterinarian’; or

43 “(b) Required by any applicable federal or state law or regulation to be dispensed on pre-  
44 scription only or is restricted to use by practitioners only.

45 “(33) ‘Prescription’ or ‘prescription drug order’ means a written, oral or electronically trans-



mitted direction, given by a practitioner authorized to prescribe drugs, for the preparation and use of a drug. When the context requires, ‘prescription’ also means the drug prepared under such written, oral or electronically transmitted direction.

“(34) ‘Retail drug outlet’ means a place used for the conduct of the retail sale, administering or dispensing or compounding of drugs or chemicals or for the administering or dispensing of prescriptions and licensed by the board as a place where the practice of pharmacy may lawfully occur.

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

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

“(a) Provides or coordinates warehousing of, or other logistics services for, a product in interstate commerce on behalf of a manufacturer, wholesale distributor or dispenser of the product; and

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

“(37) ‘Unit dose’ means a sealed single-unit container so designed that the contents are administered to the patient as a single dose, direct from the container. Each unit dose container must bear a separate label, be labeled with the name and strength of the medication, the name of the manufacturer or distributor, an identifying lot number and, if applicable, the expiration date of the medication.

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

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

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

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

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

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

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

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

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

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

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

“[(c)(A)] (D)(i) The prescription and dispensation of other prescription drugs by a licensed pharmacist if the State Board of Pharmacy or any state law authorizes the drug to be prescribed

1 and dispensed by pharmacists licensed under ORS chapter 689; and

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

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

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

5 “743A.051. (1) Notwithstanding any provisions of a health benefit plan as defined in ORS  
6 743B.005, whenever the plan provides for payment or reimbursement for a service that is within the  
7 lawful scope of practice of a pharmacist, the insurer:

8 “(a) May provide payment or reimbursement for the service when the service is provided by a  
9 pharmacist; and

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

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

14 “(ii) The service provided by the pharmacist;

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

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

19 “[C)(i) *The testing for severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) and the*  
20 *prescribing, dispensing and administering of treatment for SARS-CoV-2 pursuant to section 4 of this*  
21 *2024 Act; and]*

22 “[ii) *The service provided by the pharmacist; and]*

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

26 “(ii) The service provided by the pharmacist.

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

28 “**SECTION 9.** ORS 243.144 is amended to read:

29 “243.144. Benefit plans offered by the Public Employees’ Benefit Board that reimburse the cost  
30 of medical and other health services and supplies must comply with the requirements for health  
31 benefit plan coverage described in:

32 “(1) ORS 743A.058;

33 “(2) ORS 743A.140;

34 “(3) ORS 743A.141;

35 “(4) ORS 743B.256;

36 “(5) ORS 743B.287 (4);

37 “(6) ORS 743B.420;

38 “(7) ORS 743B.423;

39 “(8) ORS 743B.601;

40 “(9) ORS 743B.810; *[and]*

41 “(10) ORS 743A.325; **and**

42 “(11) **ORS 743A.051 (2)(c).**

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

44 “243.144. Benefit plans offered by the Public Employees’ Benefit Board that reimburse the cost  
45 of medical and other health services and supplies must comply with the requirements for health

1 benefit plan coverage described in:

2 “(1) ORS 743A.058;

3 “(2) ORS 743A.140;

4 “(3) ORS 743A.141;

5 “(4) ORS 743B.256;

6 “(5) ORS 743B.287 (4);

7 “(6) ORS 743B.420;

8 “(7) ORS 743B.423;

9 “(8) ORS 743B.601;

10 “(9) ORS 743B.810; **and**

11 “(10) ORS 743A.325[; *and*]

12 “[*(11) ORS 743A.051 (2)(c)*].

13 “**SECTION 11.** ORS 243.877 is amended to read:

14 “243.877. Benefit plans offered by the Oregon Educators Benefit Board that reimburse the cost  
15 of medical and other health services and supplies must comply with the requirements for health  
16 benefit plan coverage described in:

17 “(1) ORS 743A.058;

18 “(2) ORS 743A.140;

19 “(3) ORS 743A.141;

20 “(4) ORS 743B.256;

21 “(5) ORS 743B.287 (4);

22 “(6) ORS 743B.420;

23 “(7) ORS 743B.423;

24 “(8) ORS 743B.601;

25 “(9) ORS 743B.810; [*and*]

26 “(10) ORS 743A.325[.]; **and**

27 “**(11) ORS 743A.051 (2)(c)**.

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

29 “243.877. Benefit plans offered by the Oregon Educators Benefit Board that reimburse the cost  
30 of medical and other health services and supplies must comply with the requirements for health  
31 benefit plan coverage described in:

32 “(1) ORS 743A.058;

33 “(2) ORS 743A.140;

34 “(3) ORS 743A.141;

35 “(4) ORS 743B.256;

36 “(5) ORS 743B.287 (4);

37 “(6) ORS 743B.420;

38 “(7) ORS 743B.423;

39 “(8) ORS 743B.601;

40 “(9) ORS 743B.810; **and**

41 “(10) ORS 743A.325[; *and*]

42 “[*(11) ORS 743A.051 (2)(c)*].

43 “**SECTION 13. The amendments to ORS 243.144, 243.877, 689.005 and 743A.051 by sections**  
44 **6, 8, 10 and 12 of this 2024 Act become operative on June 30, 2026.**

45 “**SECTION 14. (1) The amendments to ORS 243.144 by section 9 of this 2024 Act apply to**

1 benefit plans issued, renewed or extended on or after October 1, 2024.

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

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

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

7 “SECTION 16. (1) Sections 2 and 4 of this 2024 Act and the amendments to ORS 243.144,  
8 243.877, 689.005 and 743A.051 by sections 5, 7, 9 and 11 of this 2024 Act become operative on  
9 October 1, 2024.

10 “(2) The Oregon Health Authority, the Oregon Educators Benefit Board, the Public  
11 Employees’ Benefit Board and the State Board of Pharmacy may take any action before the  
12 operative date specified in this section that is necessary to enable the authority and the  
13 boards to exercise, on or after the operative date specified in subsection (1) of this section,  
14 all of the duties, functions and powers conferred on the authority and the boards by sections  
15 2 and 4 of this 2024 Act and the amendments to ORS 243.144, 243.877, 689.005 and 743A.051  
16 by sections 5, 7, 9 and 11 of this 2024 Act.

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

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