A-Engrossed
House Bill 2385

Ordered by the House April 7
Including House Amendments dated April 7

Sponsored by Representative NOSSE, Senator PATTERSON; Representatives DIEHL, GAMBA, GOMBERG, JAVADI, PHAM H (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. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act tells drug makers not to take actions that make it hard for a drug store to get certain drugs for health care providers, deliver the drugs to the providers or dispense the drugs. (Flesch Readability Score: 62.5).

[*Digest: The Act prohibits drug makers from taking actions that make it hard for a drug store to get certain drugs on behalf of health care providers, deliver the drugs to the providers or dispense the drugs. The Act makes these actions an unlawful practice. (Flesch Readability Score: 65.2).*]

[*Makes it an unlawful practice for*] **Prohibits** drug manufacturers [*to interfere*] **from interfering** directly or indirectly with a pharmacy or drug outlet acquiring 340B drugs, delivering 340B drugs to certain health care providers or dispensing 340B drugs. [*Makes it an unlawful practice for*] **Prohibits** drug manufacturers [*to require*] **from requiring** utilization review data from a drug outlet or pharmacy as a condition of the acquisition, delivery or dispensation of a 340B drug.

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

A BILL FOR AN ACT

Relating to restrictions on 340B covered entities; and prescribing an effective date.

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

SECTION 1. (1) As used in this section:

(a) "Covered entity" has the meaning given that term in 42 U.S.C. 256b(a)(4).

(b) "Manufacturer" has the meaning given that term in ORS 646A.689.

(c) "340B drug" means a drug that has been subject to an offer of a reduced price by a manufacturer pursuant to 42 U.S.C. 256b and is purchased by a covered entity.

(d) "Utilization review" has the meaning given that term in ORS 743B.001.

(2) A manufacturer or third party on behalf of a manufacturer may not:

(a) Deny, restrict, prohibit or otherwise interfere directly or indirectly with the acquisition of a 340B drug, delivery of a 340B drug to or dispensation of a 340B drug by a pharmacy that has contracted with a covered entity to receive and dispense 340B drugs on behalf of the covered entity in this state unless the acquisition delivery or dispensation is prohibited by the United States Department of Health and Human Services.

(b) Require, either directly or indirectly, a covered entity to submit a claim or utilization review data as a condition for the acquisition of a 340B drug by, delivery of a 340B drug to or dispensation of a 340B drug by a pharmacy that has contracted with a covered entity to receive and dispense 340B drugs on behalf of the covered entity in this state unless the claims or utilization review data submission is required by the United States Department of Health and Human Services.

SECTION 2. This 2025 Act takes effect on the 91st day after the date on which the 2025

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.

regular session of the Eighty-third Legislative Assembly adjourns sine die.