

Senate Bill 598

Sponsored by Senator CAMPOS; Representatives GRAYBER, NELSON, NOSSE (Pre-session 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 **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: Tells certain health insurers and OHP to use the same rules for opioid and nonopioid drugs when used to treat the same issue. (Flesch Readability Score: 65.7).

Requires certain health insurance providers and state managed medical assistance to use the same utilization review requirements for opioid and nonopioid drugs when they are prescribed for the same treatment. Requires health insurance to cover opioid and nonopioid drugs at the same cost when prescribed for the same treatment.

A BILL FOR AN ACT

1
2 Relating to step therapy for nonopioids; creating new provisions; and amending ORS 750.055 and
3 750.333.

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

5 **SECTION 1. Section 2 of this 2025 Act is added to and made a part of the Insurance Code.**

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

7 (a) **"Health care coverage" has the meaning given that term in ORS 743B.602.**

8 (b) **"Step therapy" has the meaning given that term in ORS 743B.001.**

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

10 (2) **An entity that provides health care coverage for prescription drugs shall ensure that:**

11 (a) **The utilization review requirements, including step therapy, for a nonopioid drug**
12 **prescribed for the treatment of chronic or acute pain that is approved by the United States**
13 **Food and Drug Administration for the treatment of chronic or acute pain are no more re-**
14 **strictive than the least restrictive utilization review requirements for opioid drugs prescribed**
15 **for the treatment of chronic or acute pain; and**

16 (b) **The cost-sharing, copayment or deductible for a nonopioid drug prescribed for the**
17 **treatment of chronic or acute pain is no greater than the cost-sharing, copayment or**
18 **deductible for an opioid drug prescribed for the treatment of chronic or acute pain.**

19 **SECTION 3. (1) As used in this section:**

20 (a) **"Step therapy" has the meaning given that term in ORS 743B.001.**

21 (b) **"Utilization review" has the meaning given that term in 743B.001.**

22 (2) **Notwithstanding ORS 414.325 (5), the Oregon Health Authority and a coordinated care**
23 **organization shall ensure that the utilization review requirements, including step therapy,**
24 **for a nonopioid drug prescribed for the treatment of chronic or acute pain that is approved**
25 **by the United States Food and Drug Administration for the treatment of chronic or acute**
26 **pain are no more restrictive than the least restrictive utilization review requirements for**
27 **opioid drugs prescribed for the treatment of chronic or acute pain.**

28 **SECTION 4. ORS 750.055, as amended by section 3, chapter 24, Oregon Laws 2024, section 4,**

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 chapter 35, Oregon Laws 2024, section 21, chapter 70, Oregon Laws 2024, and section 162, chapter
2 73, Oregon Laws 2024, is amended to read:

3 750.055. (1) The following provisions apply to health care service contractors to the extent not
4 inconsistent with the express provisions of ORS 750.005 to 750.095:

5 (a) ORS 705.137, 705.138 and 705.139.

6 (b) ORS 731.004 to 731.150, 731.162, 731.216 to 731.362, 731.382, 731.385, 731.386, 731.390, 731.398
7 to 731.430, 731.428, 731.450, 731.454, 731.485, as provided in subsection (2) of this section, ORS
8 731.488, 731.504, 731.508, 731.509, 731.510, 731.511, 731.512, 731.574 to 731.620, 731.640 to 731.652,
9 731.730, 731.731, 731.735, 731.737, 731.750, 731.752, 731.804, 731.808 and 731.844 to 731.992.

10 (c) ORS 732.215, 732.220, 732.230, 732.245, 732.250, 732.320, 732.325 and 732.517 to 732.596, not
11 including ORS 732.582, and ORS 732.650 to 732.689.

12 (d) ORS 733.010 to 733.050, 733.080, 733.140 to 733.170, 733.210, 733.510 to 733.680 and 733.695
13 to 733.780.

14 (e) ORS 734.014 to 734.440.

15 (f) ORS 742.001 to 742.009, 742.013, 742.016, 742.061, 742.065, 742.150 to 742.162 and 742.518 to
16 742.542.

17 (g) ORS 743.004, 743.005, 743.007, 743.008, 743.010, 743.018, 743.020, 743.022, 743.023, 743.025,
18 743.028, 743.029, 743.038, 743.040, 743.044, 743.050, 743.100 to 743.109, 743.402, 743.405, 743.406,
19 743.417, 743.472, 743.492, 743.495, 743.498, 743.522, 743.523, 743.524, 743.526, 743.535, 743.550, 743.650
20 to 743.656, 743.680 to 743.689, 743.788 and 743.790.

21 (h) ORS 743A.010, 743A.012, 743A.014, 743A.020, 743A.034, 743A.036, 743A.040, 743A.044,
22 743A.048, 743A.051, 743A.052, 743A.058, 743A.060, 743A.062, 743A.063, 743A.064, 743A.065, 743A.066,
23 743A.068, 743A.070, 743A.080, 743A.082, 743A.084, 743A.088, 743A.090, 743A.100, 743A.104, 743A.105,
24 743A.108, 743A.110, 743A.124, 743A.140, 743A.141, 743A.148, 743A.150, 743A.160, 743A.168, 743A.169,
25 743A.170, 743A.175, 743A.185, 743A.188, 743A.190, 743A.192, 743A.250, 743A.252, 743A.260, 743A.310
26 and 743A.315 and section 2, chapter 771, Oregon Laws 2013, and section 2, chapter 70, Oregon Laws
27 2024.

28 (i) ORS 743B.001, 743B.003 to 743B.127, 743B.128, 743B.130, 743B.195, 743B.197, 743B.200,
29 743B.202, 743B.204, 743B.220, 743B.221, 743B.222, 743B.225, 743B.227, 743B.250, 743B.252, 743B.253,
30 743B.254, 743B.255, 743B.256, 743B.257, 743B.258, 743B.280 to 743B.285, 743B.287, 743B.300, 743B.310,
31 743B.320, 743B.323, 743B.330, 743B.340, 743B.341, 743B.342, 743B.343 to 743B.347, 743B.400, 743B.403,
32 743B.407, 743B.420, 743B.423, 743B.450, 743B.451, 743B.452, 743B.453, 743B.470, 743B.475, 743B.505,
33 743B.550, 743B.555, 743B.601, 743B.602 and 743B.800 and section 2, chapter 24, Oregon Laws 2024,
34 and section 2, chapter 35, Oregon Laws 2024, **and section 2 of this 2025 Act.**

35 (j) The following provisions of ORS chapter 744:

36 (A) ORS 744.052 to 744.089, 744.091 and 744.093, relating to the regulation of insurance produc-
37 ers;

38 (B) ORS 744.602 to 744.665, relating to the regulation of insurance consultants; and

39 (C) ORS 744.700 to 744.740, relating to the regulation of third party administrators.

40 (k) ORS 746.005 to 746.140, 746.160, 746.220 to 746.370, 746.600, 746.605, 746.607, 746.608, 746.610,
41 746.615, 746.625, 746.635, 746.650, 746.655, 746.660, 746.668, 746.670, 746.675, 746.680 and 746.690.

42 (2) The following provisions of the Insurance Code apply to health care service contractors ex-
43 cept in the case of group practice health maintenance organizations that are federally qualified
44 pursuant to Title XIII of the Public Health Service Act:

45 (a) ORS 731.485, if the group practice health maintenance organization wholly owns and oper-

1 ates an in-house drug outlet.

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

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

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

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

10 (b) A health care service contractor's classification as a domestic insurance company under
11 paragraph (a) of this subsection does not subject the health care service contractor to ORS 734.510
12 to 734.710.

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

16 **SECTION 5.** ORS 750.055, as amended by section 21, chapter 771, Oregon Laws 2013, section
17 7, chapter 25, Oregon Laws 2014, section 82, chapter 45, Oregon Laws 2014, section 9, chapter 59,
18 Oregon Laws 2015, section 7, chapter 100, Oregon Laws 2015, section 7, chapter 224, Oregon Laws
19 2015, section 11, chapter 362, Oregon Laws 2015, section 10, chapter 470, Oregon Laws 2015, section
20 30, chapter 515, Oregon Laws 2015, section 10, chapter 206, Oregon Laws 2017, section 6, chapter
21 417, Oregon Laws 2017, section 22, chapter 479, Oregon Laws 2017, section 10, chapter 7, Oregon
22 Laws 2018, section 69, chapter 13, Oregon Laws 2019, section 38, chapter 151, Oregon Laws 2019,
23 section 5, chapter 441, Oregon Laws 2019, section 85, chapter 97, Oregon Laws 2021, section 12,
24 chapter 37, Oregon Laws 2022, section 5, chapter 111, Oregon Laws 2023, section 2, chapter 152,
25 Oregon Laws 2023, section 4, chapter 24, Oregon Laws 2024, section 5, chapter 35, Oregon Laws
26 2024, section 22, chapter 70, Oregon Laws 2024, and section 163, chapter 73, Oregon Laws 2024, is
27 amended to read:

28 750.055. (1) The following provisions apply to health care service contractors to the extent not
29 inconsistent with the express provisions of ORS 750.005 to 750.095:

30 (a) ORS 705.137, 705.138 and 705.139.

31 (b) ORS 731.004 to 731.150, 731.162, 731.216 to 731.362, 731.382, 731.385, 731.386, 731.390, 731.398
32 to 731.430, 731.428, 731.450, 731.454, 731.485, as provided in subsection (2) of this section, ORS
33 731.488, 731.504, 731.508, 731.509, 731.510, 731.511, 731.512, 731.574 to 731.620, 731.640 to 731.652,
34 731.730, 731.731, 731.735, 731.737, 731.750, 731.752, 731.804, 731.808 and 731.844 to 731.992.

35 (c) ORS 732.215, 732.220, 732.230, 732.245, 732.250, 732.320, 732.325 and 732.517 to 732.596, not
36 including ORS 732.582, and ORS 732.650 to 732.689.

37 (d) ORS 733.010 to 733.050, 733.080, 733.140 to 733.170, 733.210, 733.510 to 733.680 and 733.695
38 to 733.780.

39 (e) ORS 734.014 to 734.440.

40 (f) ORS 742.001 to 742.009, 742.013, 742.016, 742.061, 742.065, 742.150 to 742.162 and 742.518 to
41 742.542.

42 (g) ORS 743.004, 743.005, 743.007, 743.008, 743.010, 743.018, 743.020, 743.022, 743.023, 743.025,
43 743.028, 743.029, 743.038, 743.040, 743.044, 743.050, 743.100 to 743.109, 743.402, 743.405, 743.406,
44 743.417, 743.472, 743.492, 743.495, 743.498, 743.522, 743.523, 743.524, 743.526, 743.535, 743.550, 743.650
45 to 743.656, 743.680 to 743.689, 743.788 and 743.790.

1 (h) ORS 743A.010, 743A.012, 743A.014, 743A.020, 743A.034, 743A.036, 743A.040, 743A.044,
 2 743A.048, 743A.051, 743A.052, 743A.058, 743A.060, 743A.062, 743A.063, 743A.064, 743A.065, 743A.066,
 3 743A.068, 743A.070, 743A.080, 743A.082, 743A.084, 743A.088, 743A.090, 743A.100, 743A.104, 743A.105,
 4 743A.108, 743A.110, 743A.124, 743A.140, 743A.141, 743A.148, 743A.150, 743A.160, 743A.168, 743A.169,
 5 743A.170, 743A.175, 743A.185, 743A.188, 743A.190, 743A.192, 743A.250, 743A.252, 743A.260, 743A.310
 6 and 743A.315 and section 2, chapter 70, Oregon Laws 2024.

7 (i) ORS 743B.001, 743B.003 to 743B.127, 743B.128, 743B.130, 743B.195, 743B.197, 743B.200,
 8 743B.202, 743B.204, 743B.220, 743B.221, 743B.222, 743B.225, 743B.227, 743B.250, 743B.252, 743B.253,
 9 743B.254, 743B.255, 743B.256, 743B.257, 743B.258, 743B.280 to 743B.285, 743B.287, 743B.300, 743B.310,
 10 743B.320, 743B.323, 743B.330, 743B.340, 743B.341, 743B.342, 743B.343 to 743B.347, 743B.400, 743B.403,
 11 743B.407, 743B.420, 743B.423, 743B.450, 743B.451, 743B.452, 743B.453, 743B.470, 743B.475, 743B.505,
 12 743B.550, 743B.555, 743B.601, 743B.602 and 743B.800 and section 2, chapter 24, Oregon Laws 2024,
 13 and section 2, chapter 35, Oregon Laws 2024, **and section 2 of this 2025 Act.**

14 (j) The following provisions of ORS chapter 744:

15 (A) ORS 744.052 to 744.089, 744.091 and 744.093, relating to the regulation of insurance produc-
 16 ers;

17 (B) ORS 744.602 to 744.665, relating to the regulation of insurance consultants; and

18 (C) ORS 744.700 to 744.740, relating to the regulation of third party administrators.

19 (k) ORS 746.005 to 746.140, 746.160, 746.220 to 746.370, 746.600, 746.605, 746.607, 746.608, 746.610,
 20 746.615, 746.625, 746.635, 746.650, 746.655, 746.660, 746.668, 746.670, 746.675, 746.680 and 746.690.

21 (2) The following provisions of the Insurance Code apply to health care service contractors ex-
 22 cept in the case of group practice health maintenance organizations that are federally qualified
 23 pursuant to Title XIII of the Public Health Service Act:

24 (a) ORS 731.485, if the group practice health maintenance organization wholly owns and oper-
 25 ates an in-house drug outlet.

26 (b) ORS 743A.024, unless the patient is referred by a physician, physician associate or nurse
 27 practitioner associated with a group practice health maintenance organization.

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

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

32 (5)(a) A health care service contractor is a domestic insurance company for the purpose of de-
 33 termining whether the health care service contractor is a debtor, as defined in 11 U.S.C. 109.

34 (b) A health care service contractor's classification as a domestic insurance company under
 35 paragraph (a) of this subsection does not subject the health care service contractor to ORS 734.510
 36 to 734.710.

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

40 **SECTION 6.** ORS 750.333, as amended by section 5, chapter 24, Oregon Laws 2024, and section
 41 23, chapter 70, Oregon Laws 2024, is amended to read:

42 750.333. (1) The following provisions apply to trusts carrying out a multiple employer welfare
 43 arrangement:

44 (a) ORS 705.137, 705.138 and 705.139.

45 (b) ORS 731.004 to 731.150, 731.162, 731.216 to 731.268, 731.296 to 731.316, 731.324, 731.328,

1 731.378, 731.386, 731.390, 731.398, 731.406, 731.410, 731.414, 731.418 to 731.434, 731.454, 731.484,
 2 731.486, 731.488, 731.512, 731.574 to 731.620, 731.640 to 731.652, 731.804, 731.808 and 731.844 to
 3 731.992.

4 (c) ORS 733.010 to 733.050, 733.140 to 733.170, 733.210, 733.510 to 733.680 and 733.695 to 733.780.

5 (d) ORS 734.014 to 734.440.

6 (e) ORS 742.001 to 742.009, 742.013, 742.016, 742.061 and 742.065.

7 (f) ORS 743.004, 743.005, 743.007, 743.008, 743.010, 743.018, 743.020, 743.023, 743.028, 743.029,
 8 743.053, 743.405, 743.406, 743.524, 743.526, 743.535 and 743B.221.

9 (g) ORS 743A.010, 743A.012, 743A.014, 743A.020, 743A.024, 743A.034, 743A.036, 743A.040,
 10 743A.048, 743A.051, 743A.052, 743A.058, 743A.060, 743A.062, 743A.063, 743A.064, 743A.065, 743A.066,
 11 743A.068, 743A.070, 743A.080, 743A.082, 743A.084, 743A.088, 743A.090, 743A.100, 743A.104, 743A.105,
 12 743A.108, 743A.110, 743A.124, 743A.140, 743A.141, 743A.148, 743A.150, 743A.160, 743A.168, 743A.169,
 13 743A.170, 743A.175, 743A.180, 743A.185, 743A.188, 743A.190, 743A.192, 743A.250, 743A.252, 743A.260
 14 and 743A.310 and section 2, chapter 70, Oregon Laws 2024.

15 (h) ORS 743B.001, 743B.003 to 743B.127 (except 743B.125 to 743B.127), 743B.195, 743B.197,
 16 743B.200, 743B.202, 743B.204, 743B.220, 743B.222, 743B.225, 743B.227, 743B.250, 743B.252, 743B.253,
 17 743B.254, 743B.255, 743B.256, 743B.257, 743B.258, 743B.310, 743B.320, 743B.321, 743B.330, 743B.340,
 18 743B.341, 743B.342, 743B.343, 743B.344, 743B.345, 743B.347, 743B.400, 743B.403, 743B.407, 743B.420,
 19 743B.423, 743B.451, 743B.453, 743B.470, 743B.505, 743B.550, 743B.555 and 743B.601 and section 2,
 20 chapter 24, Oregon Laws 2024, **and section 2 of this 2025 Act.**

21 (i) The following provisions of ORS chapter 744:

22 (A) ORS 744.052 to 744.089, 744.091 and 744.093, relating to the regulation of insurance produc-
 23 ers;

24 (B) ORS 744.602 to 744.665, relating to the regulation of insurance consultants; and

25 (C) ORS 744.700 to 744.740, relating to the regulation of third party administrators.

26 (j) ORS 746.005 to 746.140, 746.160 and 746.220 to 746.370.

27 (2) For the purposes of this section:

28 (a) A trust carrying out a multiple employer welfare arrangement is an insurer.

29 (b) References to certificates of authority are references to certificates of multiple employer
 30 welfare arrangement.

31 (c) Contributions are premiums.

32 (3) The provision of health benefits under ORS 750.301 to 750.341 is the transaction of health
 33 insurance.

34 (4) The Department of Consumer and Business Services may adopt rules that are necessary to
 35 implement the provisions of ORS 750.301 to 750.341.

36 **SECTION 7. Section 2 of this 2025 Act and the amendments to ORS 750.055 and 750.033**
 37 **by sections 4 to 6 of this 2025 Act apply to health benefit plans, health care service contracts**
 38 **and multiple employer welfare arrangements issued, renewed or extended on or after the**
 39 **effective date of this 2025 Act.**