

# House Bill 2690

Sponsored by Representative NOSSE; Representatives ALONSO LEON, GOMBERG, POWER, WILDE (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**.

Establishes right of consumer to be educated about ways to reduce cost of prescription drugs. Prevents insurer, pharmacy benefit manager or third party administrator from interfering with right. Requires insurer, pharmacy benefit manager and third party administrator to apply price paid by consumer for prescription drug toward deductible or out-of-pocket maximum regardless of whether consumer used pharmacy benefit to purchase drug.

## A BILL FOR AN ACT

1  
2 Relating to the cost of prescription drugs.

3 Whereas it is in the interest of all residents of this state who pay the costs of health care to  
4 be provided with information that may help to reduce the costs of prescription drugs; now, therefore,

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

6 **SECTION 1. Section 2 of this 2019 Act is added to and made a part of the Insurance Code.**

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

8 (a) **"Consumer" means an individual with a pharmacy benefit.**

9 (b) **"Pharmacist" has the meaning given that term in ORS 689.005.**

10 (c) **"Pharmacy" has the meaning given that term in ORS 689.005.**

11 (d) **"Pharmacy benefit" means the reimbursement of an individual's cost for prescription  
12 drugs under a policy or certificate of health insurance or by a pharmacy benefit manager or  
13 third party administrator.**

14 (e) **"Pharmacy benefit manager" has the meaning given that term in ORS 735.530.**

15 (f) **"Third party administrator" means a person licensed under ORS 744.702.**

16 (2) **A consumer has the right to be educated by a pharmacy or pharmacist about all  
17 means available to the consumer to reduce the consumer's costs for a drug prescribed for  
18 the consumer including, but not limited to:**

19 (a) **Receiving information about the cost and efficacy of any less costly alternative drug;**

20 (b) **Being informed that the consumer may pay for a prescription drug using cash, debit  
21 cards or credit cards when the cost for the drug, if paid by the consumer using cash, debit  
22 cards or credit cards, is less than the consumer's copayment, deductible or other cost-  
23 sharing amount applicable to the cost of the drug under the pharmacy benefit; and**

24 (c) **Being informed that a payment using cash, debit cards or credit cards, as described  
25 in paragraph (b) of this subsection, must be applied toward the consumer's deductible or  
26 out-of-pocket maximum as provided in subsection (4) of this section.**

27 (3) **An insurer, pharmacy benefit manager or third party administrator may not, by  
28 contract with a pharmacy or pharmacist or by penalty imposed on a pharmacy or  
29 pharmacist, interfere with the right of consumers established in subsection (2) of this sec-**

**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 **tion.**

2 **(4) An insurer, pharmacy benefit manager or third party administrator shall apply to-**  
3 **ward any deductible or out-of-pocket maximum imposed under a pharmacy benefit the price**  
4 **paid by a consumer to purchase a prescription drug covered by the pharmacy benefit re-**  
5 **gardless of whether the consumer used the pharmacy benefit to purchase the drug.**

6 **SECTION 3. Section 2 of this 2019 Act applies to pharmacy benefits, as defined in section**  
7 **2 of this 2019 Act, offered or administered by insurers, pharmacy benefit managers or third**  
8 **party administrators on and after the effective date of this 2019 Act.**

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