



NOTICE OF PROPOSED RULEMAKING

INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 855

BOARD OF PHARMACY

FILED: 10/09/2026 3:40 PM

ARCHIVES DIVISION SECRETARY OF STATE

FILING CAPTION: Establishes new Division 145 and new registration for Mobile Retail Drug Outlet Pharmacy

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 11/24/2026 4:30 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

CONTACT:

Rachel Melvin

971-673-0001

pharmacy.rulemaking@bop.oregon.gov

800 NE Oregon St., Suite 150

Portland, OR 97232

Filed By:

Rachel Melvin

Rules Coordinator

HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 11/24/2026

TIME: 9:30 AM

OFFICER: Rachel Melvin

REMOTE HEARING DETAILS

MEETING URL: [Click here to join the meeting](#)

PHONE NUMBER: 503-446-4951

CONFERENCE ID: 538650615

SPECIAL INSTRUCTIONS:

This hearing will be held virtually via Microsoft Teams.

If you wish to present oral testimony virtually during this hearing, sign up on our website at

www.oregon.gov/pharmacy/pages/rulemaking-information or email your first and last name and email address to pharmacy.rulemaking@bop.oregon.gov. Please indicate which rule(s) you would like to comment on.

You must submit written comments before 4:30PM on November 24, 2026. Email written comments to pharmacy.rulemaking@bop.oregon.gov.

NEED FOR THE RULE(S):

Amends Division 006 by adding a new definition for “Mobile Retail Drug Outlet Pharmacy” or “mobile pharmacy”, adds new definitions for “Pharmacy Jurisprudence Examination” and “Uniform Multistate Pharmacy Jurisprudence Exam”, adds sunset dates for the Oregon MPJE exam and adds implementation date for “Uniform Multistate Pharmacy Jurisprudence Exam”, adds definitions for DEA and FDA, and renumbers existing rules. Amends OAR 855-007-0030 definition of “mobile pharmacy” and statutory references. Amends 855-110-0007 by adding newly established registration fee for Mobile Retail Drug Outlet Pharmacy. Creates new Division 145 for Mobile Retail Drug Outlet Pharmacy including licensing requirements to operate a mobile pharmacy as required by 2026 HB 4131.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

2026 HB 4131 <https://olis.oregonlegislature.gov/liz/2026R1/Downloads/MeasureDocument/HB4131/Enrolled>

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE:

The proposed mobile pharmacy rules may expand pharmacy access to Oregonians. It is anticipated that the proposed rules and amendments will not impact any group of people differently than others.

FISCAL AND ECONOMIC IMPACT:

No fiscal anticipated. Pharmacies are not required to operate a mobile pharmacy. Licensees, registrants and interested parties will have an opportunity to provide fiscal and economic impact statements during the open comment period.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

There are no known economic impacts to the agency, other state or local government, small businesses or members of the public.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Registrants who identify as a small business and who have signed up to receive GovDelivery messages from the Oregon Board of Pharmacy will receive an email notice of proposed rulemaking and will have an opportunity to provide public comment on the proposed rules for the Board’s consideration.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

Legislative mandate of 2026 HB 4131.

RULES PROPOSED:

855-006-0005, 855-007-0030, 855-110-0007, 855-145-0001, 855-145-0005, 855-145-0010, 855-145-0015, 855-145-0020, 855-145-0025, 855-145-0030

AMEND: 855-006-0005

RULE SUMMARY: Adds new definition in (17) “DEA” United States Drug Enforcement Administration, adds new definition in (22) “FDA” United States Food and Drug Administration, adds new definition in (34) “Mobile Retail Drug Outlet Pharmacy” or “mobile pharmacy” to align with the legislative mandates of 2026 HB 4131. Adds new definitions for “Pharmacy Jurisprudence Examination” and “Uniform Multistate Pharmacy Jurisprudence Exam”, adds sunset dates for the Oregon MPJE exam and adds implementation date for “Uniform Multistate Pharmacy Jurisprudence Exam”. The

Board identified that moving from an Oregon specific MPJE to the UMPJE creates a standardized assessment of pharmacist entry into the practice throughout the United States without compromising patient safety. Renumbers existing rules and adds citation for statutory authority and statutes implemented.

CHANGES TO RULE:

855-006-0005

Definitions ¶¶

As used in OAR Chapter 855:¶¶

- (1) "Adulterated" has the same meaning as set forth in 21 USC 351 (v. 02/26/2026).¶¶
- (2) "Alarm system" means a device or series of devices, which emit or transmit an audible or remote visual or electronic alarm signal, which is intended to summon a response.¶¶
- (3) "Audiovisual communication system" means a continuously accessible, two-way audiovisual link that allows audiovisual communication in real-time and that prevents unauthorized disclosure of protected health information.¶¶
- (4) "Biological product" means, with respect to the prevention, treatment or cure of a disease or condition of human beings, a virus, therapeutic serum, toxin, antitoxin, vaccine, blood, blood component, blood derivative, allergenic product, protein other than a chemically synthesized polypeptide, analogous products or arsphenamine or any other trivalent organic arsenic compound.¶¶
- (5) "Biosimilar" product means a biological product licensed by the United States Food and Drug Administration pursuant to 42 USC 262(k)(3)(A)(i) (v. 02/26/2026).¶¶
- (6) "Board" means the Oregon Board of Pharmacy unless otherwise specified or required by the context.¶¶
- (7) "Certified health care interpreter" has the meaning given that term in ORS 413.550.¶¶
- (8) "Certified Oregon Pharmacy Technician" means a person who has taken and passed a national pharmacy technician certification examination offered by the Pharmacy Technician Certification Board (PTCB) or National Healthcareer Association (NHA) and is licensed by the State Board of Pharmacy who assists the Pharmacist in the practice of pharmacy pursuant to rules of the board.¶¶
- (9) "Clinical Pharmacy Agreement" means an agreement between a Pharmacist or pharmacy and a health care organization, or a physician as defined in ORS 677.010 or a naturopathic physician as defined in ORS 685.010 that permits the Pharmacist to engage in the practice of clinical pharmacy for the benefit of the patients of the health care organization, or physician or naturopathic physician.¶¶
- (10) "Collaborative Drug Therapy Management" means the participation by a Pharmacist in the management of drug therapy pursuant to a written protocol that includes information specific to the dosage, frequency, duration, and route of administration of the drug, authorized by a practitioner and initiated upon a prescription order for an individual patient and:¶¶
 - (a) Is agreed to by one Pharmacist and one practitioner; or¶¶
 - (b) Is agreed to by one or more Pharmacists at a single pharmacy registered by the board and one or more practitioners in a single organized medical group, such as a hospital medical staff, clinic, or group practice, including but not limited to organized medical groups using a pharmacy and therapeutics committee.¶¶
- (11) "Compounding" means the process of combining, admixing, diluting, pooling, reconstituting other than as provided in the manufacturer's labeling, or otherwise altering a drug product or bulk drug substance in accordance with a licensed practitioner's prescription drug order for a patient specific prescription. Compounding includes the following:¶¶
 - (a) Preparation of drug dosage forms for both human and animal patients;¶¶
 - (b) Preparation of drugs or devices in anticipation of prescription drug orders based on routine, regularly observed prescribing or ordering patterns;¶¶
 - (c) For sterile preparations, compounding includes repackaging; and ¶¶
 - (d) Manipulation of commercial products for patient-specific needs beyond FDA-approved labeling.¶¶
- (12) "Confidential Information" means any patient information obtained by a Pharmacist or pharmacy.¶¶
- (13) "Consulting Pharmacist" means a Pharmacist that provides a consulting service regarding a patient medication, therapy management, drug storage and management, security, education, or any other pharmaceutical service.¶¶
- (14) "Counseling" or "Counsel" means communication between a pharmacist and a patient or a patient's agent in which the pharmacist provides the patient or patient's agent with advice regarding the safe and effective use of a drug or device. ¶¶
- (15) The "Container" is the device that holds the drug and that is or may be in direct contact with the drug.¶¶
- (16) "Custodian of pharmacy records" means a board licensee or registrant who is responsible for the maintenance, care or keeping of pharmacy records based on the services provided by the pharmacy, regardless of whether the

records are in that person's actual physical custody and control.¶

(17) "DEA" means the United States Drug Enforcement Administration.¶

(18) "Dispensing or Dispense" means the preparation and delivery of a prescription drug pursuant to a lawful order of a practitioner in a suitable container appropriately labeled for subsequent administration to or use by a patient or other individual entitled to receive the prescription drug.¶

(189) "Drug Regimen Review" or "DRR" means the process conducted by a Pharmacist who is consulting for a long-term-care facility or other institution, either prior to dispensing or at a later time, with the goal of ensuring that optimal patient outcomes are achieved from the drug therapy.¶

(1920) "Drug utilization review" or "DUR" means evaluation of a prescription to identify and resolve potential problems through the review of information provided to the Pharmacist by the patient, patient's agent, prescriber and the patient's record.¶

(201) "Entry system" enables control of access to a secured area.¶

(242) "FDA" means the United States Food and Drug Administration.¶

(23) "Final verification" means after prescription information is entered into a pharmacy's electronic system and reviewed by a Pharmacist for accuracy, a physical verification that the drug and drug dosage, device or product selected from a pharmacy's inventory pursuant to the electronic system entry is the prescribed drug and drug dosage, device, or product.¶

(224) "Good standing" means a license or registration that is not suspended, revoked, or otherwise restricted from the practice of pharmacy or subject to a current disciplinary order.¶

(235) "Health care interpreter" has the meaning given that term in ORS 413.550.¶

(246) "Health care interpreter registry" means the registry described in ORS 413.558 that is administered by the Oregon Health Authority.¶

(257) "Individual with limited English proficiency" means a person who, by reason of place of birth or culture, communicates in a language other than English and does not communicate in English with adequate ability to communicate effectively with a health care provider.¶

(268) "Interchangeable" means, in reference to a biological product, that the United States Food and Drug Administration has determined that a biosimilar product meets the safety standards set forth in 42 USC 262(k)(4) (v. 02/26/2026).¶

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

(2830) "Interpretation and evaluation of prescription orders" means the review of the order for therapeutic and legal correctness. Therapeutic review includes identification of the prescription drug ordered, its applicability and its relationship to the other known medications used by the patient and determination of whether or not the dose and time interval of administration are within accepted limits of safety. The legal review for correctness of the prescription order includes a determination that the order is valid and has not been altered, is not a forgery, is prescribed for a legitimate medical purpose, contains all information required by federal and state law, and is within the practitioner's scope of practice.¶

(2931) "Labeling" means the process of preparing and affixing of a label to any drug container exclusive, however, of the labeling by a manufacturer, packer or distributor of a non-prescription drug or commercially packaged legend drug or device.¶

(30) "Misbranded" has the same definition as set forth in 21 USC 352 (v. 02/26/2026).¶

(342) "Medication Therapy Management (MTM)" means a distinct service or group of services that is intended to optimize therapeutic outcomes for individual patients. Medication Therapy Management services are independent of, but can occur in conjunction with, the provision of a medication product.¶

(33) "Misbranded" has the same definition as set forth in 21 USC 352 (v. 02/26/2026).¶

(34) "Mobile Retail Drug Outlet Pharmacy" or "mobile pharmacy" means a retail pharmacy that provides services in a movable or portable setting and that is registered in accordance with OAR 855-145.¶

(35) "Monitoring of therapeutic response or adverse effect of drug therapy" means the follow up of the therapeutic or adverse effect of medication upon a patient, including direct consultation with the patient or his agent and review of patient records, as to result and side effect, and the analysis of possible interactions with other medications that may be in the medication regimen of the patient. This section shall not be construed to prohibit monitoring by practitioners or their agents.¶

(326) "Medication Therapy Management (MTM)" means a distinct service or group of services that is intended to optimize therapeutic outcomes for individual patients. Medication Therapy Management services are independent of, but can occur in conjunction with, the provision of a medication product.¶

"Multistate Pharmacy Jurisprudence Examination" means the Oregon Multistate Pharmacy Jurisprudence Examination (OR MPJE) provided by the National Association of Boards of Pharmacy (NABP) until 3/31/2027. After 3/31/2028, the board will no longer accept OR MPJE exam results. On 4/01/2027 "Multistate Pharmacy Jurisprudence Examination" means the Uniform Multistate Pharmacy Jurisprudence Exam (UMPJE) provided by NABP.¶

~~(337)~~ "Nationally Certified Exam" means an exam that is approved by the board which demonstrates successful completion of a Specialized Education Program. The exam must be reliable, psychometrically sound, legally defensible, and valid.¶

~~(348)~~ "Non-legend drug" means a drug which does not require dispensing by prescription and which is not restricted to use by practitioners only.¶

~~(352)~~ "Offering or performing of those acts, services, operations or transactions necessary in the conduct, operation, management and control of pharmacy" means, among other things:¶

(a) The creation and retention of accurate and complete patient records;¶

(b) Assuming authority and responsibility for product selection of drugs and devices;¶

(c) Developing and maintaining a safe practice setting for the Pharmacist, for pharmacy staff and for the general public;¶

(d) Maintaining confidentiality of patient information.¶

~~(3640)~~ "Official compendium" means the official United States Pharmacopeia <USP>, official National Formulary <NF> (v. USP NF 2026, Issue 1), official Homeopathic Pharmacopoeia of the United States <HPUS> (v. 2026), or any supplement to any of these.¶

~~(3741)~~ "Pharmaceutical Care" means the responsible provision of drug therapy for the purpose of achieving definite outcomes that improve a patient's quality of life. These outcomes include:¶

(a) Cure of a disease;¶

(b) Elimination or reduction of a patient's symptomatology;¶

(c) Arrest or slowing of a disease process; or¶

(d) Prevention of a disease or symptomatology.¶

~~(3842)~~ "Pharmacist" means an individual licensed by this state to engage in the practice of pharmacy or to engage in the practice of clinical pharmacy.¶

~~(439)~~ "Pharmacy Technician" means a person licensed by the State Board of Pharmacy who assists the Pharmacist in the practice of pharmacy pursuant to rules of the board.¶

~~(404)~~ "Practice of clinical pharmacy" means:¶

(a) The health science discipline in which, in conjunction with the patient's other practitioners, a Pharmacist provides patient care to optimize medication therapy and to promote disease prevention and the patient's health and wellness;¶

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

(c) The practice of pharmacy by a Pharmacist pursuant to a clinical pharmacy agreement.¶

~~(445)~~ "Practice of pharmacy" is as defined in ORS 689.005.¶

~~(426)~~ "Prescription drug" or "legend drug" is as defined in ORS 689.005 and:¶

(a) Required by federal law, prior to being dispensed or delivered, to be labeled with "Rx only"; or¶

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

~~(437)~~ "Prescription released by the Pharmacist" means, a prescription which has been reviewed by the Pharmacist that does not require further Pharmacist intervention such as reconstitution or counseling.¶

~~(448)~~ "Prohibited conduct" means conduct by a licensee that:¶

(a) Constitutes a criminal act against a patient or client; or¶

(b) Constitutes a criminal act that creates a risk of harm to a patient or client.¶

~~(452)~~ "Proper and safe storage of drugs and devices and maintenance of proper records therefore" means housing drugs and devices under conditions and circumstances that:¶

(a) Assure retention of their purity and potency;¶

(b) Avoid confusion due to similarity of appearance, packaging, labeling or for any other reason;¶

(c) Assure security and minimize the risk of their loss through accident or theft;¶

(d) Accurately account for and record their receipt, retention, dispensing, distribution or destruction;¶

(e) Protect the health, safety and welfare of the Pharmacist, pharmacy staff and the general public from harmful exposure to hazardous substances.¶

~~(4650)~~ "Quality Assurance Plan" is a written set of procedures to ensure that a pharmacy has a planned and systematic process for the monitoring and evaluation of the quality and appropriateness of pharmacy services and for identifying and resolving problems.¶

~~(4751)~~ "Reasonable professional judgment" means an objectively reasonable and impartial belief, opinion or conclusion held with confidence, and founded on appropriate professional knowledge, skills, abilities, qualifications, and competencies, after careful review, analysis and consideration of the relevant subject matter and all relevant facts and circumstances that were then known by, or reasonably available to, the person or party holding such belief, opinion, or conclusion.¶

~~(4852)~~ "Reference biological product" means the biological product licensed pursuant to 42 USC 262(a) (v.

02/26/2026) against which a biological product is evaluated in an application submitted to the United States Food and Drug Administration for licensure of a biological product as a biosimilar product or for determination that a biosimilar product is interchangeable.¶¶

~~(4953)~~ "Repackage" means the act of taking a drug from the container in which it was distributed by the manufacturer and placing it into a different container without further manipulation of the drug.¶¶

~~(504)~~ "Still image capture" means a specific image captured electronically from a video or other image capture device.¶¶

~~(545)~~ "Store and forward" means a video or still image record which is saved electronically for future review.¶¶

~~(526)~~ "Supervision by a Pharmacist" means being stationed within the same work area, except as authorized under OAR 855-041-3200 through OAR 855-041-3250, as the Intern, Certified Oregon Pharmacy Technician or Pharmacy Technician being supervised, coupled with the ability to control and be responsible for the Intern, Certified Oregon Pharmacy Technician or Pharmacy Technician's action.¶¶

~~(537)~~ "Surveillance system" means a system of video cameras, monitors, recorders, and other equipment used for surveillance.¶¶

~~(548)~~ "Tamper-resistant Prescription" means a form for the purpose of issuing a handwritten or typed prescription, intended to be manually delivered to a pharmacy, which has been developed, and formatted to ensure security, integrity and authenticity using currently accepted technologies. Formatted features may include but are not limited to characteristics such as:¶¶

(a) The word "void" appears when photocopies are attempted;¶¶

(b) Background ink which reveals attempted alterations;¶¶

(c) Heat sensitive ink that changes colors;¶¶

(d) Penetrating ink to prevent chemical alterations;¶¶

(e) A watermark which cannot be photocopied;¶¶

(f) Coin reactive ink that reveals word when rubbed with a coin;¶¶

(g) Sequential numbering.¶¶

~~(552)~~ "Therapeutic substitution" means the act of dispensing a drug product with a different chemical structure for the drug product prescribed under circumstances where the prescriber has not given clear and conscious direction for substitution of the particular drug for the one which may later be ordered.¶¶

~~(560)~~ "Verification" means the confirmation by the Pharmacist of the correctness, exactness, accuracy and completeness of the acts, tasks, or functions performed by an Intern, a Certified Oregon Pharmacy Technician, or a Pharmacy Technician. ¶¶

[Publications: Publications referenced are available for review at the agency or from United States Pharmacopoeia.]

Statutory/Other Authority: ORS 689.205, 2026 HB 4131

Statutes/Other Implemented: ORS 689.005, ORS 689.151, ORS 689.155, ORS 689.703, 2026 HB 4131

AMEND: 855-007-0030

RULE SUMMARY: Amends (10) "mobile pharmacy". A new definition for "Mobile Retail Drug Outlet Pharmacy" or "mobile pharmacy" has been added in Division 006 to align with the legislative mandates of 2026 HB 4131. The newly defined "mobile pharmacy" does not apply to this rule.

CHANGES TO RULE:

855-007-0030

Definitions ¶

- (1) "Administer" has the meaning given that term in ORS 689.005.¶
 - (2) "Community Partner" has the meaning given that term in OAR 855-007-0080.¶
 - (3) "Dispense" has the meaning given that term in ORS 689.005.¶
 - (4) "Distribute" has the meaning given that term in ORS 689.005.¶
 - (5) "Drug" in this division of rules, the term "drug" means a drug or vaccine or medical device, or any combination of these terms.¶
 - (6) "Emergency" has the meaning given that term in ORS 401.025.¶
 - (7) "Emergency Management Assistance Compact" (EMAC) means the compact for mutual assistance that was ratified by Congress and signed by all states, and is codified in ORS ~~401.043~~402.105.¶
 - (8) "Emergency Prescription" means a record that is created in a pharmacy that records the dispensing of a refill of a drug, or a new or modified drug therapy to a patient in the absence of a valid prescription.¶
 - (9) "Health-care provider" means an individual licensed, certified or otherwise authorized or permitted by the laws of this state or another state to administer health-care services within their scope of practice.¶
 - (10) "Mobile Pharmacy" ~~means a pharmacy that is located in a vehicle or a trailer~~has the same meaning as in Division 006.¶
 - (11) "Oregon State Public Health Division" (OSPHD) means that division of the Oregon Department of Human Services (DHS) that is responsible for planning for and responding to a public health emergency.¶
 - (12) "Pacific Northwest Emergency Management Arrangement" (PNEMA) means the compact, ratified in ~~Chapter 25 Oregon Laws 2008~~ORS 402.250, between the states of Alaska, Idaho, Oregon and Washington, and the Province of British Columbia, and Yukon, to provide mutual assistance in an emergency or public health emergency.¶
 - (13) "Public Health Emergency" has the meaning given that term in ORS 433.442.¶
 - (14) "Strategic National Stockpile" (SNS) means the US Government stockpile of antiviral drugs and other drugs and medical supplies that can be made available to a state in an emergency.¶
 - (15) "Temporary Pharmacy" means a facility established under these rules to temporarily provide pharmacy services within or adjacent to an area subject to a State of Emergency.
- Statutory/Other Authority: ORS 401.065, ORS 433.441, ORS 689.205
Statutes/Other Implemented: ~~2008 OL Ch. 25, ORS 689.155~~ORS 689.155, ORS 402.250

RULE SUMMARY: Establishes new annual registration fee of \$315 for Mobile Retail Drug Outlet Pharmacy, renumbers remaining rules and adds citation for statutory authority and statutes implemented. 2026 HB 4131 mandates that the board issue a license to operate a mobile pharmacy to a qualified applicant. Proposes repealing current PPL registration fee of \$168 pursuant to ORS 689.338.

CHANGES TO RULE:

855-110-0007

Fees for Registration, Renewal, and Reinspection of Drug Outlets ¶

(1) Drug Distribution Agent. Expires September 30 annually - \$560. Late renewal fee (received after September 30) - \$100.¶

(2) Drug Room (including Correctional Facility). Expires March 31 annually - \$140. Late renewal fee (received after March 31) - \$75.¶

(3) Manufacturer (including Manufacturer Class I, Manufacturer Class II and Manufacturer Class III). Expires September 30 annually - \$735. Late renewal fee (received after September 30) - \$100.¶

(4) Mobile Retail Drug Outlet Pharmacy. Expires March 31 annually - \$315. Late renewal fee (received after March 31) - \$75.¶

(5) Nonprescription Drug Outlet. Expires January 31 annually - \$105. Late renewal fee (received after January 31) - \$25.¶

(a) This includes the following categories of registration:¶

(A) Nonprescription Class A.¶

(B) Medical Device, Equipment & Gas Class C.¶

(b) Other nonprescription Drug Outlet registration category fees are as follows:¶

(A) Nonprescription Class D. Expires January 31 annually - \$140. Late renewal fee (received after January 31) - \$25.¶

(B) Nonprescription Class E. Expires January 31 annually - \$0. Late renewal fee (received after January 31) - \$0.¶

(56) Prophylactic and/or Contraceptive Wholesaler and/or Manufacturer - \$70. Expires December 31 annually.¶

(67) Re-inspection fee - \$100. Applies to any re-inspection of a drug outlet occasioned to verify corrections of violations found in an initial inspection.¶

(78) Retail or Institutional Drug Outlet Pharmacy. Expires March 31 annually - \$315. Late renewal fee (received after March 31) - \$75.¶

(a) This includes the following categories of registration:¶

(A) Home Dialysis Retail Drug Outlet Pharmacy¶

(B) Institutional Drug Outlet Pharmacy¶

(C) Remote Dispensing Site Retail Drug Outlet Pharmacy¶

(D) Retail Drug Outlet Pharmacy¶

(b) Other Retail/Institutional Drug Outlet registration category fees are as follows:¶

(A) Charitable Retail Drug Outlet Pharmacy. Expires March 31 annually - \$105. Late renewal fee (received after March 31) - \$25.¶

(B) Community Health Clinic (CHC) Retail Drug Outlet Pharmacy. Expires March 31 annually - \$140. Late renewal fee (received after March 31) - \$25.¶

(C) Dispensing Practitioner Drug Outlet (DPDO) Retail Drug Outlet Pharmacy. Expires March 31 annually - \$140. Late renewal fee (received after March 31) - \$25.¶

(D) Prescription Kiosk Retail Drug Outlet Pharmacy. Expires March 31 annually - \$168. Due by March 31 annually.¶

(E) ~~Prescription Locker Retail Drug Outlet Pharmacy. Expires March 31 annually - \$168. Due by March 31 annually.¶~~

(F) Remote Dispensing Machine Institutional Drug Outlet Pharmacy. Expires March 31 annually - \$168. Due by March 31 annually.¶

(G) Remote Distribution Facility Institutional Drug Outlet Pharmacy. Expires March 31 annually - \$168. Due by March 31 annually.¶

(89) Wholesaler (including Wholesaler Class I, Wholesaler Class II and Wholesaler Class III). Expires September 30 annually - \$735. Late renewal fee (received after September 30) - \$100.

Statutory/Other Authority: ORS 689.205, ORS 291.055, 2026 HB 4131

Statutes/Other Implemented: ORS 689.135, ORS 689.774, ORS 689.305

ADOPT: 855-145-0001

RULE SUMMARY: Proposes adopting new applicability requirements for mobile pharmacies.

CHANGES TO RULE:

855-145-0001

Applicability

These rules apply to all mobile pharmacies as defined in OAR 855-006 and outlined in 2026 HB 4131.

Statutory/Other Authority: ORS 689.205, 2026 HB 4131

Statutes/Other Implemented: ORS 689.005, 2026 HB 4131

ADOPT: 855-145-0005

RULE SUMMARY: Proposes adopting new registration requirements as mandated by 2026 HB 4131 for a Retail Drug Outlet pharmacy who applies for a mobile pharmacy registration.

CHANGES TO RULE:

855-145-0005

Registration

(1) A Retail Drug Outlet Pharmacy registered with the board under ORS 689.305 with a permanent physical location may apply for a mobile pharmacy registration if it is:

(a) A critical access pharmacy, as defined by the Oregon Health Authority by rule;

(b) A hospital, as defined in ORS 442.015;

(c) A federally qualified health center; or

(d) The governing body of a county.

(2) A Retail Drug Outlet Pharmacy must register each mobile pharmacy separately with the board.

(3) A Retail Drug Outlet Pharmacy must receive a mobile pharmacy registration prior to conducting business as a mobile pharmacy in Oregon.

(4) The registration for a mobile pharmacy expires March 31 each year and may be renewed annually.

Statutory/Other Authority: ORS 689.205, 2026 HB 4131

Statutes/Other Implemented: ORS 689.151, 2026 HB 4131

ADOPT: 855-145-0010

RULE SUMMARY: Proposes adopting new application requirements for a Retail Drug Outlet who applies for a mobile pharmacy registration as mandated by 2026 HB 4131.

CHANGES TO RULE:

855-145-0010

Initial and Renewal Applications

(1) The board may issue a registration to an outlet that submits an application in a form prescribed by the board.¶

(2) An applicant must provide the following information in order for an initial or renewal application to be considered complete:¶

(a) A completed application in the form acceptable to the board:¶

(b) Payment of the fee as listed in OAR 855-110;¶

(c) Evidence of current Retail Drug Outlet Pharmacy registration with the board and current physical location; and¶

(d) Name of Pharmacist-in-Charge (PIC) of the associated Retail Drug Outlet Pharmacy.¶

(3) An application is incomplete when it is missing required information. An incomplete application will expire 90 days from the date the application was submitted to the board. An applicant who allows their application to expire may reapply by submitting a new application, along with required documentation and fees.

Statutory/Other Authority: ORS 689.205, 2026 HB 4131

Statutes/Other Implemented: ORS 689.151, 2026 HB 4131

ADOPT: 855-145-0015

RULE SUMMARY: Proposes adopting new general requirements for Retail Drug Outlets and mobile pharmacies as mandated in 2026 HB 4131.

CHANGES TO RULE:

855-145-0015

General Requirements

(1) A mobile pharmacy and its associated Retail Drug Outlet Pharmacy must:

(a) Have at least one pharmacist physically present at the mobile pharmacy during hours of operation.

(b) Maintain records of the drugs transferred between the Retail Drug Outlet Pharmacy's permanent location and the mobile pharmacy and of the drugs dispensed from the mobile pharmacy.

(c) Store drugs, devices and related supplies as specified by the drug manufacturer.

(d) Ensure that a patient may access prescription refills in the event that the mobile pharmacy is unavailable at the time when the patient requires refill, in accordance with the established communication plan.

(e) Comply with reporting requirements of the local public health authority, as defined in ORS 431.003, in which the mobile pharmacy operates regarding communicable diseases.

(2) A mobile pharmacy, the pharmacist physically present during its hours of operation, and the associated Retail Drug Outlet Pharmacy and its PIC must ensure the mobile pharmacy:

(a) Follows all applicable Retail Drug Outlet Pharmacy requirements in Division 041;

(b) Follows all state and federal laws and rules;

(c) Utilizes adequate safeguards against theft or diversion;

(d) Prevents unauthorized access;

(e) Maintains confidentiality of patient information; and

(f) Correctly dispenses prescriptions.

(3) The PIC of the associated Retail Drug Outlet Pharmacy must ensure a pharmacist completes a physical inspection of the mobile pharmacy annually as part of their self-inspection as required by OAR 855-115-0210(1)(h).

(4) The mobile pharmacy may return drugs, devices and associated supplies to the associated Retail Drug Outlet Pharmacy if they were stored and handled in compliance with Division 041 and the drug manufacture's requirements.

(5) A mobile pharmacy may not store or dispense controlled substances without a separate DEA registration.

(6) A mobile pharmacy that engages in compounding must comply with Division 183.

(7) A mobile pharmacy and the associated Retail Drug Outlet Pharmacy must ensure the mobile pharmacy is physically present at the associated Retail Drug Outlet Pharmacy on the date the board has scheduled for inspection of the mobile pharmacy.

(8) A mobile pharmacy registration is not transferable and the registration fee cannot be prorated.

Statutory/Other Authority: ORS 689.135, ORS 689.205, 2026 HB 4131

Statutes/Other Implemented: ORS 689.155, 2026 HB 4131

ADOPT: 855-145-0020

RULE SUMMARY: Proposes adopting new required policies and procedures for a mobile pharmacy, the associated Retail Drug Outlet Pharmacy and the Pharmacist-in-Charge (PIC).

CHANGES TO RULE:

855-145-0020

Policies and Procedures

(1) The mobile pharmacy, the associated Retail Drug Outlet Pharmacy and its PIC are accountable for establishing, maintaining, and enforcing written policies and procedures for the pharmacy in compliance with federal and state regulations.¶

(2) The mobile pharmacy and its associated Retail Drug Outlet Pharmacy must adopt the following policies and procedures:¶

(a) All policies and procedures required in Division 041 as specific to the mobile pharmacy:¶

(b) A patient communication plan to ensure that a patient may access prescription refills in the event that the mobile pharmacy is unavailable at the time when the patient requires a refill:¶

(c) A communication plan with each governing body of the local public health authority, as defined in ORS 431.003, with jurisdiction over each area in which the mobile pharmacy operates to ensure the pharmacist at the mobile pharmacy complies with any reporting requirements of the local public health authority regarding communicable diseases:¶

(d) A policy and procedure to document records of all drugs, devices and related supplies transferred between the associated Retail Drug Outlet Pharmacy's permanent location and the mobile pharmacy; and¶

(e) A policy and procedure to document records for all drugs, devices and related supplies dispensed from the mobile pharmacy and to transfer those records to the associated Retail Drug Outlet Pharmacy within 24 hours.

Statutory/Other Authority: ORS 689.205, 2026 HB 4131

Statutes/Other Implemented: ORS 689.155, 2026 HB 4131

ADOPT: 855-145-0025

RULE SUMMARY: Proposes adopting new records requirements for a mobile pharmacy, Pharmacist-in-Charge and Retail Drug Outlet Pharmacy who operate a mobile pharmacy.

CHANGES TO RULE:

855-145-0025

Records

- (1) The mobile pharmacy and the PIC must ensure that all records are kept in compliance with Division 104.
 - (2) All records required by Division 041 and the following records must be maintained:
 - (a) Record of the date(s) and location(s) where the mobile pharmacy conducts business;
 - (b) Record of the pharmacist physically present at the mobile pharmacy during hours of operation;
 - (c) Drugs dispensed from the mobile pharmacy must be recorded at the associated Retail Drug Outlet Pharmacy within 24 hours of dispensation; and
 - (d) Record of drugs transferred between the mobile pharmacy and the associated Retail Drug Outlet Pharmacy.
 - (3) These records must be stored on site at the Retail Drug Outlet Pharmacy's permanent location and following OAR 855-104 and must be retained as required by OAR 855-104.
- Statutory/Other Authority: ORS 689.205, 2026 HB 4131
- Statutes/Other Implemented: ORS 689.155, 2026 HB 4131

ADOPT: 855-145-0030

RULE SUMMARY: Proposes adopting new prohibited practices for outlet's who operate a mobile pharmacy as mandated by 2026 HB 4131.

CHANGES TO RULE:

855-145-0030

Prohibited Practices

(1) A mobile pharmacy may not:

(a) Operate in the same physical location for more than 10 consecutive days per 28 days.

(b) Operate for more than 14 consecutive days per 28 days within the same five-mile radius.

(2) Subsection (1) does not apply when a public health emergency or state of emergency related to a natural disaster affecting the area where the mobile pharmacy operates has been declared.

Statutory/Other Authority: ORS 689.205, 2026 HB 4131

Statutes/Other Implemented: ORS 689.155, 2026 HB 4131