H-4161.1

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**SUBSTITUTE HOUSE BILL 2296**

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**State of Washington 65th Legislature 2018 Regular Session**

**By** House Health Care & Wellness (originally sponsored by Representatives Slatter, Schmick, Cody, Robinson, Dolan, Orwall, Tharinger, Macri, Young, Kloba, Appleton, Jinkins, Ormsby, Pollet, and Doglio)

AN ACT Relating to protecting consumers from excess charges for prescription medications; adding a new section to chapter 48.43 RCW; and creating new sections.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec.**  A new section is added to chapter 48.43 RCW to read as follows:

(1) A contract entered into or renewed on or after the effective date of this section between a health carrier or a pharmacy benefit manager and a pharmacist or pharmacy may not penalize, including through increased utilization review, reduced payments, or other financial disincentives, a pharmacist's or pharmacy's disclosure to a person purchasing prescription medication of information regarding:

(a) The cost of the prescription medication to the person; or

(b) The availability of any therapeutically equivalent alternative medications or alternative methods of purchasing the prescription medication including, but not limited to, paying the cash price, that are less expensive than the cost of the prescription medication to the person.

(2) On or after January 1, 2019, the maximum amount a health carrier or pharmacy benefit manager may require a person to pay at the point of sale for a covered prescription medication is the lesser of:

(a) The applicable cost sharing for the prescription medication; or

(b) The amount the person would pay for the prescription medication if the person purchased the prescription medication without using a health plan or any other source of prescription medication benefits or discounts.

(3) For purposes of this section, "pharmacy benefit manager" has the same meaning as in RCW 19.340.010.

NEW SECTION. **Sec.**  (1) The legislature finds that further study of other states with laws similar to, but more expansive than, section 1 of this act is warranted to determine whether those states have encountered difficulties in implementing their laws. If the study finds that a state's ability to implement its laws has not been adversely affected by including the allowable reimbursement or claim amount among the maximum amounts an individual may be required to pay at the point of sale for a prescription medication, the legislature intends to amend section 1(2) of this act to enact a similar provision in Washington.

(2) The insurance commissioner must evaluate the implementation of statutes similar to section 1 of this act enacted by other states including, but not limited to, 2017 Conn. Acts 17-241 Sec. 1. The evaluation must include an assessment of whether including the allowable claim amount among the maximum amounts an individual may be required to pay at the point of sale for a prescription medication adversely affected the state's ability to implement its statute.

(3) The commissioner must report his or her findings to the appropriate committees of the legislature by January 1, 2019.

NEW SECTION. **Sec.**  If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec.**  This act may be known and cited as the affordable medication for patients act.

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