

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE SENATE BILL 5558**

Chapter 267, Laws of 2005

59th Legislature  
2005 Regular Session

PRESCRIPTION DRUG ASSISTANCE FOUNDATION

EFFECTIVE DATE: 7/24/05

Passed by the Senate April 19, 2005  
YEAS 44 NAYS 0

BRAD OWEN

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**President of the Senate**

Passed by the House April 5, 2005  
YEAS 94 NAYS 0

FRANK CHOPP

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**Speaker of the House of Representatives**

Approved May 4, 2005.

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5558** as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN

\_\_\_\_\_  
**Secretary**

FILED

May 4, 2005 - 3:18 p.m.

CHRISTINE GREGOIRE

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**Governor of the State of Washington**

**Secretary of State  
State of Washington**

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**SUBSTITUTE SENATE BILL 5558**

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AS AMENDED BY THE HOUSE

Passed Legislature - 2005 Regular Session

**State of Washington                      59th Legislature                      2005 Regular Session**

**By** Senate Committee on Health & Long-Term Care (originally sponsored by Senators Brown, Swecker, Fraser, Keiser, Benson, Brandland, Weinstein, Roach, Rasmussen, McAuliffe, Pridemore, Shin, Rockefeller and Kohl-Welles)

READ FIRST TIME 02/23/05.

1            AN ACT Relating to the prescription drug assistance foundation; and  
2 adding a new section to chapter 41.05 RCW.

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

4            NEW SECTION.    **Sec. 1.** A new section is added to chapter 41.05 RCW  
5 to read as follows:

6            (1) The definitions in this subsection apply throughout this  
7 section unless the context clearly requires otherwise.

8            (a) "Federal poverty level" means the official poverty level based  
9 on family size established and adjusted under Section 673(2) of the  
10 omnibus budget reconciliation act of 1981 (P.L. 97-35; 42 U.S.C. Sec.  
11 9902(2), as amended).

12            (b) "Foundation" means the prescription drug assistance foundation  
13 established in this section, a nonprofit corporation organized under  
14 the laws of this state to provide assistance in accessing prescription  
15 drugs to qualified uninsured individuals.

16            (c) "Health insurance coverage including prescription drugs" means  
17 prescription drug coverage under a private insurance plan, the medicaid  
18 program, the state children's health insurance program ("SCHIP"), the

1 medicare program, the basic health plan, or any employer-sponsored  
2 health plan that includes a prescription drug benefit.

3 (d) "Qualified uninsured individual" means an uninsured person who  
4 is a resident of this state and has an income below three hundred  
5 percent of the federal poverty level.

6 (e) "Uninsured" means an individual who lacks health insurance  
7 coverage including prescription drugs.

8 (2)(a) The administrator shall establish the foundation as a  
9 nonprofit corporation, organized under the laws of this state. The  
10 foundation shall assist qualified uninsured individuals in obtaining  
11 prescription drugs at little or no cost.

12 (b) The foundation shall be administered in a manner that:

13 (i) Begins providing assistance to qualified uninsured individuals  
14 by January 1, 2006;

15 (ii) Defines the population that may receive assistance in  
16 accordance with this section; and

17 (iii) Complies with the eligibility requirements necessary to  
18 obtain and maintain tax-exempt status under federal law.

19 (c) The board of directors of the foundation consists of five  
20 members appointed by the governor to staggered terms of three years.  
21 The governor shall select as members of the board individuals who (i)  
22 will represent the interests of persons who lack prescription drug  
23 coverage; and (ii) have demonstrated expertise in business management  
24 and in the administration of a not-for-profit organization.

25 (d) The foundation shall apply for and comply with all federal  
26 requirements necessary to obtain and maintain tax-exempt status with  
27 respect to the federal tax obligations of the foundation's donors.

28 (e) The foundation is authorized, subject to the direction and  
29 ratification of the board, to receive, solicit, contract for, collect,  
30 and hold in trust for the purposes of this section, donations, gifts,  
31 grants, and bequests in the form of money paid or promised, services,  
32 materials, equipment, or other things tangible or intangible that may  
33 be useful for helping the foundation to achieve its purpose. The  
34 foundation may use all sources of public and private financing to  
35 support foundation activities. No general fund-state funds shall be  
36 used for the ongoing operation of the foundation.

37 (f) No liability on the part of, and no cause of action of any  
38 nature, shall arise against any member of the board of directors of the

1 foundation or against an employee or agent of the foundation for any  
2 lawful action taken by them in the performance of their administrative  
3 powers and duties under this section.

Passed by the Senate April 19, 2005.

Passed by the House April 5, 2005.

Approved by the Governor May 4, 2005.

Filed in Office of Secretary of State May 4, 2005.