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**SUBSTITUTE SENATE BILL 6026**

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**State of Washington**

**65th Legislature**

**2018 Regular Session**

**By** Senate Health & Long Term Care (originally sponsored by Senators Kuderer, Frockt, Rolfes, Van De Wege, Keiser, Conway, Short, and Hasegawa)

READ FIRST TIME 01/30/18.

1       AN ACT Relating to prohibiting health carriers and pharmacy  
2 benefit managers from using contracts to prevent pharmacists from  
3 telling their customers about cheaper ways to buy prescription drugs;  
4 and adding a new section to chapter 48.43 RCW.

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

6       NEW SECTION.   **Sec. 1.** A new section is added to chapter 48.43  
7 RCW to read as follows:

8       (1) A health carrier or pharmacy benefit manager may not offer or  
9 agree to a contract provision that penalizes a pharmacy or pharmacist  
10 for disclosing information to a customer regarding:

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

12       (b) The availability of any therapeutically equivalent  
13 alternative medications or alternative methods of purchasing the  
14 prescription medication including, but not limited to, paying a cash  
15 price that is less expensive to the customer than the cost of the  
16 prescription medication.

17       (2) A health carrier or pharmacy benefit manager may not offer or  
18 agree to a contract provision that penalizes a pharmacy or pharmacist  
19 for disclosing information if the provision prohibits the disclosure  
20 or disadvantages the pharmacy or pharmacist that makes the

1 disclosure, including through increased utilization review, reduced  
2 payments, or other financial disincentives.

3 (3) No health carrier or pharmacy benefit manager may require an  
4 individual to make a payment at the point of sale for a covered  
5 prescription medication in an amount greater than the lesser of:

6 (a) The applicable copayment for the prescription medication;

7 (b) The allowable claim amount for the prescription medication;

8 or

9 (c) The amount an individual would pay for the prescription  
10 medication if the individual purchased the prescription medication  
11 without using a health benefit plan or any other source of  
12 prescription medication benefits or discounts.

13 (4) The legislature finds that the practices covered by this  
14 section are matters vitally affecting the public interest for the  
15 purpose of applying the consumer protection act, chapter 19.86 RCW. A  
16 violation of this section is not reasonable in relation to the  
17 development and preservation of business and is an unfair or  
18 deceptive act in trade or commerce and an unfair method of  
19 competition for the purpose of applying the consumer protection act,  
20 chapter 19.86 RCW.

21 (5) Notwithstanding any remedies provided in accordance with  
22 subsection (4) of this section, the commissioner may suspend or  
23 revoke the registration of a health carrier or pharmacy benefit  
24 manager for a violation of this section.

25 (6) For the purposes of this section:

26 (a) "Allowable claim amount" means the amount the health carrier  
27 or pharmacy benefit manager has agreed to pay the pharmacy for the  
28 prescription medication on initial claim approval.

29 (b) "Pharmacy benefit manager" has the same meaning as in RCW  
30 19.340.010.

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