
SENATE BILL 6026

State of Washington

65th Legislature

2018 Regular Session

By Senators Kuderer, Frockt, Rolfes, Van De Wege, Keiser, Conway, Short, and Hasegawa

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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) For the purposes of this section, "allowable claim amount"
22 means the amount the health carrier or pharmacy benefit manager has
23 agreed to pay the pharmacy for the prescription medication.

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