

# SENATE BILL REPORT

## SSB 5558

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As Passed Senate, March 9, 2005

**Title:** An act relating to the prescription drug assistance foundation.

**Brief Description:** Establishing a prescription drug assistance foundation.

**Sponsors:** 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).

**Brief History:**

**Committee Activity:** Health & Long-Term Care: 2/3/05, 2/21/05 [DPS].

Passed Senate: 3/9/05, 46-0.

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### SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

**Majority Report:** That Substitute Senate Bill No. 5558 be substituted therefor, and the substitute bill do pass.

Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Deccio, Ranking Minority Member; Benson, Brandland, Franklin, Johnson, Kastama, Kline and Parlette.

**Staff:** Jonathan Seib (786-7427)

**Background:** Individuals in recent years have become much more reliant on prescription drugs to improve and maintain their health. At the same time, retail drug prices have increased substantially, leaving many unable to afford their prescribed medications.

In an effort to address this, pharmaceutical manufacturers have developed prescription drug assistance programs that provide free or low cost drugs to those otherwise unable to afford them. The structure of these programs, however, including their application process and eligibility criteria, varies from company to company. A person is often required to apply multiple times over the course of a year, and must wait while his or her application is processed before returning to his or her physician to get the drugs. There is concern that these factors present significant barriers to the use of these program by those who need them.

In some states, non-profit organizations have been created to streamline and reduce variations in the application and distribution process of these assistance programs, giving those in need easier access to the free drugs supplied by manufacturers.

**Summary of Bill:** The Health Care Authority is to establish a nonprofit foundation to assist uninsured individuals with an income below three hundred percent of the federal poverty level in obtaining free or low cost prescription drugs. The foundation's five-member board of directors will be appointed by the Governor.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** This bill uses the state to nudge us towards a program that is already successful in other states, dramatically simplifying the process for accessing free brand name prescription drugs provided by manufacturers to qualified poor individuals. It will help those who already receive charity care get more timely and efficient access to the drugs they need. This approach will leverage what is already being done by the drug manufacturers. The bill provides the structure to alleviate any antitrust concerns of the manufacturers in participating in a programs such as this. It will facilitate a mechanism allowing groups of patients, rather than just individuals, to access to pharmacy assistance programs.

**Testimony Against:** None.

**Who Testified:** PRO: Senator Lisa Brown, prime sponsor; Dr. Sam Sellinger, Project Access; Kristen West, Communities Connect; Eleanor Owen; Bill Daley, Washington Citizen Action; Dr. Art Zoloth, Northwest Pharmacy Services; Clif Webster; Pharmaceutical Research and Manufacturers of America.

**House Amendment(s):** The House amendment prohibits the use of state funds for the ongoing operation of the prescription drug foundation.

Passed House: 94-0.