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**SUBSTITUTE SENATE BILL 5776**

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**State of Washington 68th Legislature 2024 Regular Session**

**By** Senate Health & Long Term Care (originally sponsored by Senators Keiser, Cleveland, Randall, Van De Wege, Conway, Dhingra, Kauffman, Hasegawa, Hunt, Kuderer, Lovick, Mullet, Nguyen, Nobles, Salomon, Stanford, Valdez, and C. Wilson)

AN ACT Relating to accessing an emergency supply of insulin; and adding new sections to chapter 70.330 RCW.

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

NEW SECTION. **Sec.**  The definitions in this section apply throughout sections 2 and 3 of this act unless the context clearly requires otherwise.

(1) "Authority" means the health care authority.

(2) "Manufacturer" means a person, corporation, or other entity engaged in the manufacture of insulin that is self-administered on an outpatient basis and sold in or into Washington state.

(3) "Network pharmacy" means a pharmacy as defined in RCW 18.64.011 that is contracted with the prescription drug purchasing consortium established in RCW 70.14.060.

NEW SECTION. **Sec.**  (1) The authority shall establish an emergency insulin program under the prescription drug purchasing consortium established in RCW 70.14.060 to allow eligible individuals to access one emergency 30-day supply of insulin within a 12-month period for a maximum out-of-pocket cost of $10 beginning January 1, 2025.

(2) To be eligible to receive insulin under this section, an individual must:

(a) Be a resident of Washington;

(b) Not be enrolled in medical assistance or in prescription drug coverage that limits the total amount of cost sharing that the enrollee is required to pay for a 30-day supply of insulin, including copayments, deductibles, or coinsurance, to $35 or less, regardless of the type or amount of insulin prescribed;

(c) Have a valid prescription for insulin; and

(d) Have less than a seven-day supply of insulin available.

(3) The authority shall establish a process to permit an individual to attest to meeting the eligibility criteria in subsection (2) of this section.

(4)(a) An individual who attests to meeting eligibility criteria as required in subsection (3) of this section will be provided an electronic voucher to be utilized at a network pharmacy for the receipt of a 30-day supply of insulin under this section.

(b) A network pharmacy shall accept a voucher provided according to this subsection for purposes of dispensing a 30-day supply of insulin.

(5)(a) Upon dispensing the insulin the network pharmacy may collect a dispensing fee from the eligible individual of up to $10 to cover the pharmacy's costs of processing and dispensing the insulin.

(b) After a network pharmacy dispenses insulin to an eligible individual, it shall submit a claim for reimbursement to the consortium in a manner and form prescribed by the authority.

(6)(a) The consortium shall reimburse the network pharmacy for the cost of the dispensed insulin within 30 days of receiving the claim.

(b) The consortium shall, at least quarterly, invoice insulin manufacturers for the cost of the insulin the consortium reimbursed to pharmacies.

(c) A manufacturer shall remit payment to the consortium within 30 days of receiving an invoice under this subsection.

(7) The authority may assess a fine of up to $10,000 for each failure of a manufacturer to comply with the requirements of subsection (6)(c) of this section. The assessment of a fine under this subsection is subject to review under the administrative procedure act, chapter 34.05 RCW. Fines collected under this section must be deposited into the state health care affordability account created in RCW 43.71.130.

(8) The authority shall make available on its website, at the same location as information regarding the emergency insulin program established in this section, information regarding manufacturer patient assistance programs that allow patients to receive insulin at reduced or no cost.

NEW SECTION. **Sec.**  The authority shall adopt any rules necessary to implement this act.

NEW SECTION. **Sec.**  Sections 1 through 3 of this act are each added to chapter 70.330 RCW.

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