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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)

READ FIRST TIME 01/26/24.

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

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

4 NEW SECTION. **Sec. 1.** The definitions in this section apply  
5 throughout sections 2 and 3 of this act unless the context clearly  
6 requires otherwise.

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

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

11 (3) "Network pharmacy" means a pharmacy as defined in RCW  
12 18.64.011 that is contracted with the prescription drug purchasing  
13 consortium established in RCW 70.14.060.

14 NEW SECTION. **Sec. 2.** (1) The authority shall establish an  
15 emergency insulin program under the prescription drug purchasing  
16 consortium established in RCW 70.14.060 to allow eligible individuals  
17 to access one emergency 30-day supply of insulin within a 12-month  
18 period for a maximum out-of-pocket cost of \$10 beginning January 1,  
19 2025.

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

3 (a) Be a resident of Washington;

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

9 (c) Have a valid prescription for insulin; and

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

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

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

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

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

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

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

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

33 (c) A manufacturer shall remit payment to the consortium within  
34 30 days of receiving an invoice under this subsection.

35 (7) The authority may assess a fine of up to \$10,000 for each  
36 failure of a manufacturer to comply with the requirements of  
37 subsection (6)(c) of this section. The assessment of a fine under  
38 this subsection is subject to review under the administrative  
39 procedure act, chapter 34.05 RCW. Fines collected under this section

1 must be deposited into the state health care affordability account  
2 created in RCW 43.71.130.

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

8 NEW SECTION. **Sec. 3.** The authority shall adopt any rules  
9 necessary to implement this act.

10 NEW SECTION. **Sec. 4.** Sections 1 through 3 of this act are each  
11 added to chapter 70.330 RCW.

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