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**SENATE BILL 5776**

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**State of Washington**

**68th Legislature**

**2024 Regular Session**

**By** Senators Keiser, Cleveland, Randall, Van De Wege, Conway, Dhingra, Kauffman, Hasegawa, Hunt, Kuderer, Lovick, Mullet, Nguyen, Nobles, Salomon, Stanford, Valdez, and C. Wilson

Prefiled 12/04/23. Read first time 01/08/24. Referred to Committee on Health & Long Term Care.

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

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

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

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

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

12 (3) "Pharmacy" has the same meaning as in RCW 18.64.011.

13 NEW SECTION. **Sec. 2.** (1) Individuals who meet the eligibility  
14 requirements of this section may receive one emergency 30-day supply  
15 of insulin within a 12-month period with a maximum cost-sharing  
16 amount of \$10.

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

19 (a) Be a resident of Washington;

20 (b) Not be enrolled in medical assistance;

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

6 (d) Have a valid prescription for insulin; and

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

8 (3) The authority must develop an application form to allow  
9 individuals to demonstrate they meet the requirements of subsection  
10 (2) of this section before receiving insulin under this section. The  
11 authority must make the application available to pharmacies,  
12 providers that prescribe or dispense insulin, and on the authority's  
13 website.

14 (4) Upon receipt of a completed application demonstrating that  
15 the individual meets the requirements of subsection (2) of this  
16 section, and identification proving Washington residency, a pharmacy  
17 shall dispense a 30-day supply of the prescribed insulin. If the  
18 individual seeking insulin under this section is under 18 years old,  
19 the individual's parent or legal guardian may provide proof of  
20 residency.

21 (5) The pharmacy shall retain a copy of the application for two  
22 years after the date the first 30-day supply of insulin was  
23 dispensed.

24 (6) A pharmacy that dispenses insulin pursuant to this section  
25 may collect a dispensing fee of up to \$10 for each 30-day supply to  
26 cover the pharmacy's costs of processing and dispensing the insulin.

27 NEW SECTION. **Sec. 3.** (1) Each manufacturer of insulin sold in  
28 the state must develop a process for a pharmacy to submit to the  
29 manufacturer directly, or indirectly through the manufacturer's  
30 delegated representative, subcontractor, or other vendor, an  
31 electronic claim for payment that is made in accordance with the  
32 national council for prescription drug programs' standards for  
33 electronic claims processing.

34 (2) If a pharmacy submits an electronic claim pursuant to this  
35 section, the manufacturer, manufacturer's delegated representative,  
36 subcontractor, or other vendor shall, within 30 days:

37 (a) Reimburse the pharmacy in an amount that covers the  
38 pharmacy's acquisition cost for the insulin; or

1 (b) Send the pharmacy a replacement supply or the same insulin in  
2 an amount equal to or greater than the amount dispensed by the  
3 pharmacy.

4 NEW SECTION. **Sec. 4.** The authority may assess a fine of up to  
5 \$10,000 for each failure to comply with the requirements of section 3  
6 of this act. The assessment of a fine under this section is subject  
7 to review under the administrative procedure act, chapter 34.05 RCW.  
8 Fines collected under this section must be deposited into the state  
9 health care affordability account created in RCW 43.71.130.

10 NEW SECTION. **Sec. 5.** Sections 1 through 4 of this act are each  
11 added to chapter 70.330 RCW.

12 NEW SECTION. **Sec. 6.** Sections 1 through 4 of this act take  
13 effect January 1, 2025.

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