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**SENATE BILL 5184**

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**State of Washington 66th Legislature 2019 Regular Session**

**By** Senators Kuderer, Cleveland, and Darneille

AN ACT Relating to prescription coverage and the use of nonresident pharmacies; and adding a new section to chapter 48.43 RCW.

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

NEW SECTION. **Sec.**  A new section is added to chapter 48.43 RCW to read as follows:

(1) Health carriers, for health plans issued or renewed on or after January 1, 2020, that include prescription drug coverage, must ensure enrollees are protected from unintentional use of or enrollment in a nonresident pharmacy.

(2) The health carrier must include in any contract with a pharmacy benefit manager, as defined in RCW 19.340.010, a requirement that the pharmacy benefit manager or its agents obtain affirmative authorization, in writing or through electronic communication, from a health plan enrollee prior to filling an enrollee's prescription through a nonresident pharmacy. The authorization from the enrollee may permit the use of a nonresident pharmacy for the plan year.

(3) Each nonresident pharmacy shipment must include a notice to the enrollee clearly describing the actions that the enrollee can take to terminate use of the nonresident pharmacy.

(4) The health plan must include information in the enrollee health plan booklet explaining the requirement to obtain the enrollee's affirmative authorization prior to filling a prescription through a nonresident pharmacy.

(5) The health plan may not, as a condition of payment or reimbursement, require an enrollee to purchase pharmacy services exclusively through a nonresident pharmacy.

(6) For the purposes of this section, "nonresident pharmacy" has the same meaning as in RCW 18.64.360.

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