S-0017.1

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**SENATE BILL 5076**

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**State of Washington 67th Legislature 2021 Regular Session**

**By** Senators Kuderer, Short, Conway, Das, Saldaña, Stanford, and Wilson, C.

AN ACT Relating to prescription coverage and the use of mail order services; adding a new section to chapter 48.43 RCW; and providing an effective date.

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, 2022, 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 48.200.020, a requirement that the pharmacy benefit manager require any contracted nonresident pharmacy to obtain affirmative authorization, in writing or through electronic communication, from a health plan enrollee prior to filling an enrollee's prescription and billing the enrollee's health plan. 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 allow enrollees to opt out of mandatory use of a nonresident pharmacy, and 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) This section does not apply to nonresident pharmacies with specialty pharmacy accreditation from a nationally recognized accreditation entity.

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

NEW SECTION. **Sec.**  This act takes effect January 1, 2022.

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