

ESHB 1852 - S COMM AMD

By Committee on Health & Long Term Care

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 18.64
4 RCW to read as follows:

5 (1) By July 1, 2024, the commission shall adopt rules
6 establishing the requirements for the translation of prescription
7 drug labels and prescription information.

8 (a) At a minimum, the rules must require:

9 (i) The translation of the directions for use and any auxiliary
10 warnings that would otherwise be included on the prescription drug
11 label;

12 (ii) The translated version and English language version of the
13 directions for use appear on the prescription container or label; and

14 (iii) A pharmacy or nonresident pharmacy provide the translated
15 directions for use, auxiliary warnings, and any other information
16 required by the commission in rules if the language is one selected
17 by the commission upon the request of a patient, patient's
18 representative, or prescriber.

19 (b) Rules adopted under this section must establish the
20 following:

21 (i) The languages for which translation is required;

22 (ii) The elements of a prescription drug label or other
23 information, such as information sheets or side effects, that must be
24 translated;

25 (iii) The pharmacies and settings that the translation
26 requirements apply to;

27 (iv) The process for procuring or providing the translations;

28 (v) When a pharmacy or nonresident pharmacy must provide the
29 translated prescription information; and

30 (vi) Any signage that a pharmacy must post to notify consumers of
31 the availability of translated prescription information.

1 (2) When adopting rules establishing the languages for which
2 translation is required, the commission shall choose at least 15
3 languages with the goal of including translations in all languages
4 spoken by at least five percent of the state population or 1,000
5 people in Washington with limited English proficiency and must:

6 (a) Consult with the Washington state office of equity and the
7 governor's interagency council on health disparities;

8 (b) Consider the percent of the population in Washington that
9 speaks the language, that population's access to health care, and
10 principles of equity; and

11 (c) At least every five years, reassess, update, and increase the
12 number of languages as needed based upon the factors listed in this
13 subsection.

14 (3) The commission may contract with a state or nonstate entity
15 to implement and administer this section.

16 (4) Nothing in this section shall be construed to prohibit a
17 pharmacy or nonresident pharmacy from providing translated directions
18 for use, auxiliary warnings, side effects, or other prescription
19 information beyond the languages selected by the commission or to a
20 greater extent than required by the commission.

21 (5) A pharmacy, nonresident pharmacy, or pharmacist may not be
22 held liable for good faith reliance on translated prescription
23 information provided by or through a third party in compliance with
24 the rules adopted by the commission in subsection (1) of this section
25 if the pharmacy, nonresident pharmacy, or pharmacist contracted with
26 the third party in good faith, and the pharmacy, nonresident
27 pharmacy, or pharmacist was not negligent with regard to the alleged
28 misconduct of the third party.

29 (6) The commission shall provide pharmacies and nonresident
30 pharmacies a minimum of 120 days from the date rules are adopted
31 under subsection (1) of this section to comply with the rules.

32 (7) This section applies only to outpatient prescriptions
33 dispensed for home use that are intended for human use.

34 (8) This section does not apply to:

35 (a) Prepackaged emergency medications as provided in RCW
36 70.41.480; and

37 (b) Opioid overdose reversal medication distributed pursuant to
38 RCW 70.41.485 and 71.24.594.

39 (9) By July 1, 2024, the commission shall adopt rules
40 establishing other accessibility requirements for individuals who are

1 blind, low vision, or otherwise print disabled for prescription drug
2 labels and prescription information.

3 (10) The commission may adopt any rules necessary to implement
4 and administer this section.

5 (11) By July 1, 2023, the commission shall report to the relevant
6 policy and fiscal committees of the legislature on the rule-making
7 progress, including the selection of languages and the process for
8 procuring or providing the translations.

9 (12) For purposes of this section, an "auxiliary warning" or
10 "advisory label" is a cautionary warning label added onto a dispensed
11 prescription drug label by a pharmacist in addition to the required
12 prescription drug label to provide extra information to the patient
13 on the safe administration, use, and storage of the prescription.

14 **Sec. 2.** RCW 18.64.390 and 2013 c 19 s 23 are each amended to
15 read as follows:

16 (1) The commission may deny, revoke, or suspend a nonresident
17 pharmacy license or impose a fine not to exceed (~~one thousand~~
18 ~~dollars~~) \$1,000 per violation for failure to comply with any
19 requirement of RCW 18.64.350 through 18.64.400 and section 1 of this
20 act.

21 (2) The commission may deny, revoke, or suspend a nonresident
22 pharmacy license or impose a fine not to exceed (~~one thousand~~
23 ~~dollars~~) \$1,000 per violation for conduct that causes serious bodily
24 or psychological injury to a resident of this state if the secretary
25 has referred the matter to the regulatory or licensing agency in the
26 state in which the pharmacy is located and that regulatory or
27 licensing agency fails to initiate an investigation within (~~forty-~~
28 ~~five~~) 45 days of the referral under this subsection or fails to make
29 a determination on the referral."

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30 On page 1, line 2 of the title, after "labels;" strike the
31 remainder of the title and insert "amending RCW 18.64.390; and adding
32 a new section to chapter 18.64 RCW."

EFFECT: Clarifies that when selecting at least 15 languages, the Pharmacy Commission does not have the responsibility to provide the translations but rather, the Pharmacy Commission has the goal of including all languages in rule spoken by at least 5% of the state population or 1,000 people in Washington.

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