
SENATE BILL 5546

State of Washington

67th Legislature

2022 Regular Session

By Senators Keiser, Van De Wege, Cleveland, Conway, Frockt, Hasegawa, Hunt, Lovick, Nguyen, Pedersen, Randall, Stanford, and C. Wilson

Prefiled 12/16/21. Read first time 01/10/22. Referred to Committee on Health & Long Term Care.

1 AN ACT Relating to insulin affordability; amending RCW 41.05.017
2 and 70.14.160; reenacting and amending RCW 48.43.780; providing an
3 effective date; and providing expiration dates.

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

5 **Sec. 1.** RCW 48.43.780 and 2020 c 346 s 5 and 2020 c 245 s 1 are
6 each reenacted and amended to read as follows:

7 (1) Except as required in subsection (2) of this section, a
8 health plan issued or renewed on or after January 1, (~~(2021)~~) 2023,
9 that provides coverage for prescription insulin drugs for the
10 treatment of diabetes must cap the total amount that an enrollee is
11 required to pay for a covered insulin drug at an amount not to exceed
12 (~~(one hundred dollars)~~) \$35 per (~~(thirty-day)~~) 30-day supply of the
13 drug. Prescription insulin drugs must be covered without being
14 subject to a deductible, and any cost sharing paid by an enrollee
15 must be applied toward the enrollee's deductible obligation.

16 (2) If the federal internal revenue service removes insulin from
17 the list of preventive care services which can be covered by a
18 qualifying health plan for a health savings account before the
19 deductible is satisfied, for a health plan that provides coverage for
20 prescription insulin drugs for the treatment of diabetes and is
21 offered as a qualifying health plan for a health savings account, the

1 carrier must establish the plan's cost sharing for the coverage of
2 prescription insulin for diabetes at the minimum level necessary to
3 preserve the enrollee's ability to claim tax exempt contributions
4 from his or her health savings account under internal revenue service
5 laws and regulations. The office of the insurance commissioner must
6 provide written notice of the change in internal revenue service
7 guidance to affected parties, the chief clerk of the house of
8 representatives, the secretary of the senate, the office of the code
9 reviser, and others as deemed appropriate by the office.

10 (3) This section expires January 1, (~~2023~~) 2024.

11 **Sec. 2.** RCW 41.05.017 and 2021 c 280 s 2 are each amended to
12 read as follows:

13 Each health plan that provides medical insurance offered under
14 this chapter, including plans created by insuring entities, plans not
15 subject to the provisions of Title 48 RCW, and plans created under
16 RCW 41.05.140, are subject to the provisions of RCW 48.43.500,
17 70.02.045, 48.43.505 through 48.43.535, 48.43.537, 48.43.545,
18 48.43.550, 70.02.110, 70.02.900, 48.43.190, 48.43.083, 48.43.0128,
19 48.43.780, and chapter 48.49 RCW.

20 **Sec. 3.** RCW 70.14.160 and 2020 c 346 s 2 are each amended to
21 read as follows:

22 (1) The total cost of insulin work group is established. The work
23 group membership must consist of the insurance commissioner or
24 designee and the following members appointed by the governor:

25 (a) A representative from the prescription drug purchasing
26 consortium described in RCW 70.14.060;

27 (b) A representative from the pharmacy quality assurance
28 commission;

29 (c) A representative from an association representing independent
30 pharmacies;

31 (d) A representative from an association representing chain
32 pharmacies;

33 (e) A representative from each health carrier offering at least
34 one health plan in a commercial market in the state;

35 (f) A representative from each health carrier offering at least
36 one health plan to state or public school employees in the state;

37 (g) A representative from an association representing health
38 carriers;

1 (h) A representative from the public employees' benefits board or
2 the school employees' benefits board;

3 (i) A representative from the health care authority;

4 (j) A representative from a pharmacy benefit manager that
5 contracts with state purchasers;

6 (k) A representative from a drug distributor or wholesaler that
7 distributes or sells insulin in the state;

8 (l) A representative from a state agency that purchases health
9 care services and drugs for a selected population;

10 (m) A representative from the attorney general's office with
11 expertise in prescription drug purchasing; and

12 (n) A representative from an organization representing diabetes
13 patients who is living with diabetes.

14 (2) The work group must review and design strategies to
15 (~~reduce~~):

16 (a) Reduce the cost of and total expenditures on insulin in this
17 state. Strategies the work group must consider include, but are not
18 limited to, a state agency becoming a licensed drug wholesaler, a
19 state agency becoming a registered pharmacy benefit manager, and a
20 state agency purchasing prescription drugs on behalf of the state
21 directly from other states or in coordination with other states; and

22 (b) Provide a once yearly 30-day supply of insulin to individuals
23 on an emergency basis. The strategies identified by the work group
24 must include recommendations on eligibility criteria, patient access,
25 program monitoring, and pharmacy reimbursement, if applicable.

26 (3) Staff support for the work group shall be provided by the
27 health care authority.

28 (4) By December 1, (~~2020~~) 2022, the work group must submit a
29 preliminary report detailing strategies to reduce the cost of and
30 total expenditures on insulin for patients, health carriers, payers,
31 and the state. The work group must submit a final report by July 1,
32 (~~2021~~) 2023, to the governor and the legislature. The final report
33 must include any statutory changes necessary to implement the
34 strategies.

35 (5) This section expires December 1, (~~2022~~) 2023.

36 NEW SECTION. Sec. 4. Section 1 of this act takes effect January
37 1, 2023.

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