S-1607.1

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**SUBSTITUTE SENATE BILL 5213**

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**State of Washington 68th Legislature 2023 Regular Session**

**By** Senate Health & Long Term Care (originally sponsored by Senators Kuderer, Short, Cleveland, Conway, Dhingra, Rolfes, Wellman, and C. Wilson)

AN ACT Relating to pharmacy benefit managers' utilizations of nonresident pharmacies; and adding a new section to chapter 48.200 RCW.

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

NEW SECTION. **Sec.**  A new section is added to chapter 48.200 RCW to read as follows:

(1) A pharmacy benefit manager must receive affirmative authorization from a covered person before filling a prescription through a nonresident pharmacy.

(2) If a covered person chooses to fill a prescription through a nonresident pharmacy, the pharmacy benefit manager shall ensure the covered person has easy and timely access to prescription counseling by a pharmacist and shall have consumer safeguard processes including management of medication distribution and shipping logistics.

(3) If a covered person chooses to fill a prescription through a nonresident pharmacy, the pharmacy benefit manager shall allow for dispensing at local network pharmacies under the following circumstances to ensure patient access to prescription drugs:

(a) If the prescription is delayed by more than one day; or

(b) If the prescription drug arrives in an unusable condition.

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

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