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**SENATE BILL 5814**

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**State of Washington 68th Legislature 2024 Regular Session**

**By** Senators Muzzall, Hasegawa, Holy, Kuderer, Lovick, Rivers, Stanford, Van De Wege, and L. Wilson

AN ACT Relating to coverage of prescription drugs for advanced metastatic cancer; adding a new section to chapter 48.43 RCW; adding a new section to chapter 41.05 RCW; and adding a new section to chapter 74.09 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) A health plan issued or renewed on or after January 1, 2025, that provides coverage for advanced metastatic cancer and associated conditions may not require, before the health carrier provides coverage of a prescription drug for the treatment of advanced metastatic cancer or an associated condition, that the enrollee:

(a) Fail to successfully respond to a different drug; or

(b) Prove a history of failure of a different drug.

(2) This section applies only to a drug the use of which is:

(a) Consistent with best practices for the treatment of advanced metastatic cancer or an associated condition;

(b) Supported by peer-reviewed, evidence-based literature; and

(c) Approved by the United States food and drug administration.

(3) For purposes of this section:

(a) "Advanced metastatic cancer" means cancer that has spread from the primary or original site of the cancer to nearby tissues, lymph nodes, or other areas or parts of the body.

(b) "Associated condition" means the symptoms or side effects associated with advanced metastatic cancer or its treatment and which, in the judgment of the health care practitioner, further jeopardizes the health of a patient if left untreated.

NEW SECTION. **Sec.**  A new section is added to chapter 41.05 RCW to read as follows:

(1) A health plan offered to public employees and their covered dependents under this chapter issued or renewed on or after January 1, 2025, that provides coverage for advanced metastatic cancer and associated conditions may not require, before the health plan provides coverage of a prescription drug for the treatment of advanced metastatic cancer or an associated condition, that the enrollee:

(a) Fail to successfully respond to a different drug; or

(b) Prove a history of failure of a different drug.

(2) This section applies only to a drug the use of which is:

(a) Consistent with best practices for the treatment of advanced metastatic cancer or an associated condition;

(b) Supported by peer-reviewed, evidence-based literature; and

(c) Approved by the United States food and drug administration.

(3) For purposes of this section:

(a) "Advanced metastatic cancer" means cancer that has spread from the primary or original site of the cancer to nearby tissues, lymph nodes, or other areas or parts of the body.

(b) "Associated condition" means the symptoms or side effects associated with advanced metastatic cancer or its treatment and which, in the judgment of the health care practitioner, further jeopardizes the health of a patient if left untreated.

NEW SECTION. **Sec.**  A new section is added to chapter 74.09 RCW to read as follows:

(1) Beginning January 1, 2025, a managed care organization and the authority may not require, before the managed care organization or the authority provides coverage of a prescription drug for the treatment of advanced metastatic cancer or an associated condition, that the enrollee:

(a) Fail to successfully respond to a different drug; or

(b) Prove a history of failure of a different drug.

(2) This section applies only to a drug the use of which is:

(a) Consistent with best practices for the treatment of advanced metastatic cancer or an associated condition;

(b) Supported by peer-reviewed, evidence-based literature; and

(c) Approved by the United States food and drug administration.

(3) For purposes of this section:

(a) "Advanced metastatic cancer" means cancer that has spread from the primary or original site of the cancer to nearby tissues, lymph nodes, or other areas or parts of the body.

(b) "Associated condition" means the symptoms or side effects associated with advanced metastatic cancer or its treatment and which, in the judgment of the health care practitioner, further jeopardizes the health of a patient if left untreated.

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