
ENGROSSED SUBSTITUTE SENATE BILL 5142

State of Washington

68th Legislature

2023 Regular Session

By Senate Ways & Means (originally sponsored by Senators Lias, Rivers, Dhingra, Kauffman, Nobles, Trudeau, Valdez, C. Wilson, and J. Wilson; by request of Department of Health)

READ FIRST TIME 02/09/23.

1 AN ACT Relating to creating an account for the pharmaceutical
2 rebate revenue generated by the purchase of medications for people
3 living with HIV who are enrolled in the early intervention program;
4 reenacting and amending RCW 43.79A.040; adding a new section to
5 chapter 43.70 RCW; providing an effective date; and declaring an
6 emergency.

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

8 NEW SECTION. **Sec. 1.** A new section is added to chapter 43.70
9 RCW to read as follows:

10 The medication for people living with HIV rebate revenue account
11 is created in the custody of the state treasury. The early
12 intervention program shall deposit any receipts from pharmaceutical
13 rebates generated by the purchase of medications with federal grant
14 funds and revenue generated from federal grant funds for any person
15 enrolled in the early intervention program into the account. The
16 expenditures may only be used for services defined in the grant award
17 from the Ryan White HIV/AIDS program. Only the secretary or the
18 secretary's designee may authorize expenditures from the account. An
19 appropriation is not required for expenditures. The account is
20 subject to allotment procedures under chapter 43.88 RCW.

1 **Sec. 2.** RCW 43.79A.040 and 2022 c 244 s 3, 2022 c 206 s 8, 2022
2 c 183 s 16, and 2022 c 162 s 6 are each reenacted and amended to read
3 as follows:

4 (1) Money in the treasurer's trust fund may be deposited,
5 invested, and reinvested by the state treasurer in accordance with
6 RCW 43.84.080 in the same manner and to the same extent as if the
7 money were in the state treasury, and may be commingled with moneys
8 in the state treasury for cash management and cash balance purposes.

9 (2) All income received from investment of the treasurer's trust
10 fund must be set aside in an account in the treasury trust fund to be
11 known as the investment income account.

12 (3) The investment income account may be utilized for the payment
13 of purchased banking services on behalf of treasurer's trust funds
14 including, but not limited to, depository, safekeeping, and
15 disbursement functions for the state treasurer or affected state
16 agencies. The investment income account is subject in all respects to
17 chapter 43.88 RCW, but no appropriation is required for payments to
18 financial institutions. Payments must occur prior to distribution of
19 earnings set forth in subsection (4) of this section.

20 (4)(a) Monthly, the state treasurer must distribute the earnings
21 credited to the investment income account to the state general fund
22 except under (b), (c), and (d) of this subsection.

23 (b) The following accounts and funds must receive their
24 proportionate share of earnings based upon each account's or fund's
25 average daily balance for the period: The 24/7 sobriety account, the
26 Washington promise scholarship account, the Gina Grant Bull memorial
27 legislative page scholarship account, the Rosa Franklin legislative
28 internship program scholarship account, the Washington advanced
29 college tuition payment program account, the Washington college
30 savings program account, the accessible communities account, the
31 Washington achieving a better life experience program account, the
32 Washington career and college pathways innovation challenge program
33 account, the community and technical college innovation account, the
34 agricultural local fund, the American Indian scholarship endowment
35 fund, the behavioral health loan repayment program account, the
36 foster care scholarship endowment fund, the foster care endowed
37 scholarship trust fund, the contract harvesting revolving account,
38 the Washington state combined fund drive account, the commemorative
39 works account, the county enhanced 911 excise tax account, the county
40 road administration board emergency loan account, the toll collection

1 account, the developmental disabilities endowment trust fund, the
2 energy account, the energy facility site evaluation council account,
3 the fair fund, the family and medical leave insurance account, the
4 fish and wildlife federal lands revolving account, the natural
5 resources federal lands revolving account, the food animal
6 veterinarian conditional scholarship account, the forest health
7 revolving account, the fruit and vegetable inspection account, the
8 educator conditional scholarship account, the game farm alternative
9 account, the GET ready for math and science scholarship account, the
10 Washington global health technologies and product development
11 account, the grain inspection revolving fund, the Washington history
12 day account, the industrial insurance rainy day fund, the juvenile
13 accountability incentive account, the law enforcement officers' and
14 firefighters' plan 2 expense fund, the local tourism promotion
15 account, the low-income home rehabilitation revolving loan program
16 account, the medication for people living with HIV rebate revenue
17 account, the multiagency permitting team account, the northeast
18 Washington wolf-livestock management account, the produce railcar
19 pool account, the public use general aviation airport loan revolving
20 account, the regional transportation investment district account, the
21 rural rehabilitation account, the Washington sexual assault kit
22 account, the stadium and exhibition center account, the youth
23 athletic facility account, the self-insurance revolving fund, the
24 children's trust fund, the Washington horse racing commission
25 Washington bred owners' bonus fund and breeder awards account, the
26 Washington horse racing commission class C purse fund account, the
27 individual development account program account, the Washington horse
28 racing commission operating account, the life sciences discovery
29 fund, the Washington state library-archives building account, the
30 reduced cigarette ignition propensity account, the center for deaf
31 and hard of hearing youth account, the school for the blind account,
32 the Millersylvania park trust fund, the public employees' and
33 retirees' insurance reserve fund, the school employees' benefits
34 board insurance reserve fund, the public employees' and retirees'
35 insurance account, the school employees' insurance account, the long-
36 term services and supports trust account, the radiation perpetual
37 maintenance fund, the Indian health improvement reinvestment account,
38 the department of licensing tuition recovery trust fund, the student
39 achievement council tuition recovery trust fund, the tuition recovery
40 trust fund, the Washington student loan account, the industrial

1 insurance premium refund account, the mobile home park relocation
2 fund, the natural resources deposit fund, the Washington state health
3 insurance pool account, the federal forest revolving account, and the
4 library operations account.

5 (c) The following accounts and funds must receive 80 percent of
6 their proportionate share of earnings based upon each account's or
7 fund's average daily balance for the period: The advance right-of-way
8 revolving fund, the advanced environmental mitigation revolving
9 account, the federal narcotics asset forfeitures account, the high
10 occupancy vehicle account, the local rail service assistance account,
11 and the miscellaneous transportation programs account.

12 (d) Any state agency that has independent authority over accounts
13 or funds not statutorily required to be held in the custody of the
14 state treasurer that deposits funds into a fund or account in the
15 custody of the state treasurer pursuant to an agreement with the
16 office of the state treasurer shall receive its proportionate share
17 of earnings based upon each account's or fund's average daily balance
18 for the period.

19 (5) In conformance with Article II, section 37 of the state
20 Constitution, no trust accounts or funds shall be allocated earnings
21 without the specific affirmative directive of this section.

22 NEW SECTION. **Sec. 3.** This act is necessary for the immediate
23 preservation of the public peace, health, or safety, or support of
24 the state government and its existing public institutions, and takes
25 effect July 1, 2023.

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