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**SENATE BILL 5142**

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**State of Washington**

**68th Legislature**

**2023 Regular Session**

**By** Senators Lias, Rivers, Dhingra, Kauffman, Nobles, Trudeau, Valdez, C. Wilson, and J. Wilson; by request of Department of Health

Prefiled 01/04/23. Read first time 01/09/23. Referred to Committee on Health & Long Term Care.

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; and adding a new section to  
5 chapter 43.70 RCW.

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

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

9 The medication rebate revenue account is created in the custody  
10 of the state treasury. The early intervention program shall deposit  
11 any receipts from pharmaceutical rebates generated by the purchase of  
12 medications for any person enrolled in the early intervention program  
13 into the account. The expenditures may only be used for services  
14 defined in the grant award from the Ryan White HIV/AIDS program. Only  
15 the secretary or the secretary's designee may authorize expenditures  
16 from the account. An appropriation is not required for expenditures.  
17 The account is subject to allotment procedures under chapter 43.88  
18 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 rebate revenue account, the multiagency  
17 permitting team account, the northeast Washington wolf-livestock  
18 management account, the produce railcar pool account, the public use  
19 general aviation airport loan revolving account, the regional  
20 transportation investment district account, the rural rehabilitation  
21 account, the Washington sexual assault kit account, the stadium and  
22 exhibition center account, the youth athletic facility account, the  
23 self-insurance revolving fund, the children's trust fund, the  
24 Washington horse racing commission Washington bred owners' bonus fund  
25 and breeder awards account, the Washington horse racing commission  
26 class C purse fund account, the individual development account  
27 program account, the Washington horse racing commission operating  
28 account, the life sciences discovery fund, the Washington state  
29 library-archives building account, the reduced cigarette ignition  
30 propensity account, the center for deaf and hard of hearing youth  
31 account, the school for the blind account, the Millersylvania park  
32 trust fund, the public employees' and retirees' insurance reserve  
33 fund, the school employees' benefits board insurance reserve fund,  
34 the public employees' and retirees' insurance account, the school  
35 employees' insurance account, the long-term services and supports  
36 trust account, the radiation perpetual maintenance fund, the Indian  
37 health improvement reinvestment account, the department of licensing  
38 tuition recovery trust fund, the student achievement council tuition  
39 recovery trust fund, the tuition recovery trust fund, the Washington  
40 student loan account, the industrial insurance premium refund

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

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

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

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

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