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**SUBSTITUTE SENATE BILL 5184**

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**State of Washington**

**66th Legislature**

**2019 Regular Session**

**By** Senate Health & Long Term Care (originally sponsored by Senators Kuderer, Cleveland, and Darneille)

READ FIRST TIME 02/20/19.

1 AN ACT Relating to prescription coverage and the use of mail  
2 order services; and adding a new section to chapter 48.43 RCW.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 48.43  
5 RCW to read as follows:

6 (1) Health carriers, for health plans issued or renewed on or  
7 after January 1, 2020, that include prescription drug coverage, must  
8 ensure enrollees are protected from unintentional use of or  
9 enrollment in a nonresident pharmacy.

10 (2) The health carrier must include in any contract with a  
11 pharmacy benefit manager, as defined in RCW 19.340.010, a requirement  
12 that the pharmacy benefit manager require any contracted nonresident  
13 pharmacy to obtain affirmative authorization, in writing or through  
14 electronic communication, from a health plan enrollee prior to  
15 filling an enrollee's prescription and billing the enrollee's health  
16 plan. The authorization from the enrollee may permit the use of a  
17 nonresident pharmacy for the plan year.

18 (3) Each nonresident pharmacy shipment must include a notice to  
19 the enrollee clearly describing the actions that the enrollee can  
20 take to terminate use of the nonresident pharmacy.

1           (4) The health plan must allow enrollees to opt out of mandatory  
2 use of a nonresident pharmacy, and include information in the  
3 enrollee health plan booklet explaining the requirement to obtain the  
4 enrollee's affirmative authorization prior to filling a prescription  
5 through a nonresident pharmacy.

6           (5) The health plan may not, as a condition of payment or  
7 reimbursement, require an enrollee to purchase pharmacy services  
8 exclusively through a nonresident pharmacy.

9           (6) This section does not apply to nonresident pharmacies with  
10 specialty pharmacy accreditation from a nationally recognized  
11 accreditation entity.

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

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