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HOUSE BILL 3169

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State of Washington                      58th Legislature                      2004 Regular Session

By Representatives O'Brien and Simpson, G.

Read first time 02/03/2004. Referred to Committee on Health Care.

1            AN ACT Relating to purchase of prescription medications by county  
2 and municipal government agencies; and amending RCW 41.05.500.

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

4            **Sec. 1.** RCW 41.05.500 and 2003 1st sp.s. c 29 s 3 are each amended  
5 to read as follows:

6            (1) In negotiating price discounts with prescription drug  
7 manufacturers for state purchased health care programs, the health care  
8 authority shall also negotiate such discounts for county and municipal  
9 government agencies, including jails and public health agencies, that  
10 prescribe or dispense medications and any Washington resident:

11            (a) Whose family income does not exceed three hundred percent of  
12 the federal poverty level as adjusted for family size and determined  
13 annually by the federal department of health and human services;

14            (b) Whose existing prescription drug need is not covered by  
15 insurance; and

16            (c) Who is: (i) At least fifty years old; or (ii) between the ages  
17 of nineteen and forty-nine and is otherwise eligible for benefits under  
18 Title II of the social security act, federal old age, survivors, and  
19 disability insurance benefits.

1           (2)(a) An attestation, which shall be submitted to the  
2 administrator, from an individual that the individual's family income  
3 does not exceed three hundred percent of the federal poverty level is  
4 sufficient to satisfy the eligibility requirement of subsection (1)(a)  
5 of this section.

6           (b) Any person willfully making a false statement in order to  
7 qualify for discounts under this section is guilty of a misdemeanor.  
8 Notice of such shall be included on the program enrollment form.

9           (3) The administrator shall charge participants in this program an  
10 annual enrollment fee sufficient to offset the cost of program  
11 administration.

12           (4) Any rebate or discount provided by a pharmaceutical  
13 manufacturer and made available to individuals under this section shall  
14 not be at the expense of retail pharmacies. This does not prohibit  
15 participating state agencies from using discounted pharmacy  
16 reimbursements for services or ingredients provided by the pharmacies.

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