S-3842.1

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**SUBSTITUTE SENATE BILL 6026**

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**State of Washington 65th Legislature 2018 Regular Session**

**By** Senate Health & Long Term Care (originally sponsored by Senators Kuderer, Frockt, Rolfes, Van De Wege, Keiser, Conway, Short, and Hasegawa)

AN ACT Relating to prohibiting health carriers and pharmacy benefit managers from using contracts to prevent pharmacists from telling their customers about cheaper ways to buy prescription drugs; and adding a new section to chapter 48.43 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 carrier or pharmacy benefit manager may not offer or agree to a contract provision that penalizes a pharmacy or pharmacist for disclosing information to a customer regarding:

(a) The cost of a prescription medication to the customer; or

(b) The availability of any therapeutically equivalent alternative medications or alternative methods of purchasing the prescription medication including, but not limited to, paying a cash price that is less expensive to the customer than the cost of the prescription medication.

(2) A health carrier or pharmacy benefit manager may not offer or agree to a contract provision that penalizes a pharmacy or pharmacist for disclosing information if the provision prohibits the disclosure or disadvantages the pharmacy or pharmacist that makes the disclosure, including through increased utilization review, reduced payments, or other financial disincentives.

(3) No health carrier or pharmacy benefit manager may require an individual to make a payment at the point of sale for a covered prescription medication in an amount greater than the lesser of:

(a) The applicable copayment for the prescription medication;

(b) The allowable claim amount for the prescription medication; or

(c) The amount an individual would pay for the prescription medication if the individual purchased the prescription medication without using a health benefit plan or any other source of prescription medication benefits or discounts.

(4) The legislature finds that the practices covered by this section are matters vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW. A violation of this section is not reasonable in relation to the development and preservation of business and is an unfair or deceptive act in trade or commerce and an unfair method of competition for the purpose of applying the consumer protection act, chapter 19.86 RCW.

(5) Notwithstanding any remedies provided in accordance with subsection (4) of this section, the commissioner may suspend or revoke the registration of a health carrier or pharmacy benefit manager for a violation of this section.

(6) For the purposes of this section:

(a) "Allowable claim amount" means the amount the health carrier or pharmacy benefit manager has agreed to pay the pharmacy for the prescription medication on initial claim approval.

(b) "Pharmacy benefit manager" has the same meaning as in RCW 19.340.010.

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