
SENATE BILL 5076

State of Washington

67th Legislature

2021 Regular Session

By Senators Kuderer, Short, Conway, Das, Saldaña, Stanford, and Wilson, C.

Prefiled 01/05/21. Read first time 01/11/21. Referred to Committee on Health & Long Term Care.

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

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

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

7 (1) Health carriers, for health plans issued or renewed on or
8 after January 1, 2022, that include prescription drug coverage, must
9 ensure enrollees are protected from unintentional use of or
10 enrollment in a nonresident pharmacy.

11 (2) The health carrier must include in any contract with a
12 pharmacy benefit manager, as defined in RCW 48.200.020, a requirement
13 that the pharmacy benefit manager require any contracted nonresident
14 pharmacy to obtain affirmative authorization, in writing or through
15 electronic communication, from a health plan enrollee prior to
16 filling an enrollee's prescription and billing the enrollee's health
17 plan. The authorization from the enrollee may permit the use of a
18 nonresident pharmacy for the plan year.

19 (3) Each nonresident pharmacy shipment must include a notice to
20 the enrollee clearly describing the actions that the enrollee can
21 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.

14 NEW SECTION. **Sec. 2.** This act takes effect January 1, 2022.

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