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**SUBSTITUTE SENATE BILL 5546**

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**State of Washington**

**67th Legislature**

**2022 Regular Session**

**By** Senate Health & Long Term Care (originally sponsored by Senators Keiser, Van De Wege, Cleveland, Conway, Frockt, Hasegawa, Hunt, Lovick, Nguyen, Pedersen, Randall, Stanford, and C. Wilson)

READ FIRST TIME 01/25/22.

1 AN ACT Relating to insulin affordability; amending RCW 41.05.017;  
2 reenacting and amending RCW 48.43.780; providing an effective date;  
3 and providing an expiration date.

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

5 **Sec. 1.** RCW 48.43.780 and 2020 c 346 s 5 and 2020 c 245 s 1 are  
6 each reenacted and amended to read as follows:

7 (1) Except as required in subsection (2) of this section, a  
8 health plan issued or renewed on or after January 1, (~~(2021)~~) 2023,  
9 that provides coverage for prescription insulin drugs for the  
10 treatment of diabetes must cap the total amount that an enrollee is  
11 required to pay for a covered insulin drug at an amount not to exceed  
12 (~~(one hundred dollars)~~) \$35 per (~~(thirty-day)~~) 30-day supply of the  
13 drug. Prescription insulin drugs must be covered without being  
14 subject to a deductible, and any cost sharing paid by an enrollee  
15 must be applied toward the enrollee's deductible obligation.

16 (2) If the federal internal revenue service removes insulin from  
17 the list of preventive care services which can be covered by a  
18 qualifying health plan for a health savings account before the  
19 deductible is satisfied, for a health plan that provides coverage for  
20 prescription insulin drugs for the treatment of diabetes and is  
21 offered as a qualifying health plan for a health savings account, the

1 carrier must establish the plan's cost sharing for the coverage of  
2 prescription insulin for diabetes at the minimum level necessary to  
3 preserve the enrollee's ability to claim tax exempt contributions  
4 from his or her health savings account under internal revenue service  
5 laws and regulations. The office of the insurance commissioner must  
6 provide written notice of the change in internal revenue service  
7 guidance to affected parties, the chief clerk of the house of  
8 representatives, the secretary of the senate, the office of the code  
9 reviser, and others as deemed appropriate by the office.

10 (3) This section expires January 1, (~~2023~~) 2024.

11 **Sec. 2.** RCW 41.05.017 and 2021 c 280 s 2 are each amended to  
12 read as follows:

13 Each health plan that provides medical insurance offered under  
14 this chapter, including plans created by insuring entities, plans not  
15 subject to the provisions of Title 48 RCW, and plans created under  
16 RCW 41.05.140, are subject to the provisions of RCW 48.43.500,  
17 70.02.045, 48.43.505 through 48.43.535, 48.43.537, 48.43.545,  
18 48.43.550, 70.02.110, 70.02.900, 48.43.190, 48.43.083, 48.43.0128,  
19 48.43.780, and chapter 48.49 RCW.

20 NEW SECTION. **Sec. 3.** Section 1 of this act takes effect January  
21 1, 2023.

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