

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE SENATE BILL 5729**

68th Legislature  
2023 Regular Session

Passed by the Senate February 28,  
2023

Yeas 47 Nays 0

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**President of the Senate**

Passed by the House March 22, 2023

Yeas 95 Nays 2

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**Speaker of the House of  
Representatives**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Sarah Bannister, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5729** as passed by the Senate and the House of Representatives on the dates hereon set forth.

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**Secretary**

FILED

**Secretary of State  
State of Washington**

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**SUBSTITUTE SENATE BILL 5729**

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Passed Legislature - 2023 Regular Session

**State of Washington**

**68th Legislature**

**2023 Regular Session**

**By** Senate Health & Long Term Care (originally sponsored by Senators Keiser, Cleveland, Hasegawa, Hunt, Kuderer, Nguyen, Shewmake, Stanford, Valdez, and C. Wilson)

READ FIRST TIME 02/17/23.

1       AN ACT Relating to removing the expiration date on the cost-  
2 sharing cap for insulin; and amending RCW 48.43.780.

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

4       **Sec. 1.** RCW 48.43.780 and 2022 c 10 s 1 are each amended to read  
5 as follows:

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

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

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

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

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