

SENATE BILL REPORT

SB 5019

As Reported by Senate Committee On:
Health & Long-Term Care, February 6, 2025

Title: An act relating to permitting medications packaged and delivered from the manufacturer in quantities larger than 96 hours of doses to be distributed under existing prepack medication law.

Brief Description: Concerning prepacked medication distribution.

Sponsors: Senators Chapman, Bateman, Christian, Dhingra, Harris, Riccelli, Saldaña, Slatter and Wellman.

Brief History:

Committee Activity: Health & Long-Term Care: 1/23/25, 2/06/25 [DPS].

Brief Summary of First Substitute Bill

- Expands the circumstances in which hospitals and health care entities may dispense prepacked drugs.

SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

Majority Report: That Substitute Senate Bill No. 5019 be substituted therefor, and the substitute bill do pass.

Signed by Senators Cleveland, Chair; Orwall, Vice Chair; Muzzall, Ranking Member; Bateman, Chapman, Christian, Harris, Holy, Riccelli, Robinson and Slatter.

Staff: Greg Attanasio (786-7410)

Background: Hospitals may dispense prepackaged emergency medications to patients being discharged from a hospital emergency department when:

- community or outpatient hospital pharmacy services are not available within 15 miles by road;

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- a patient has no reasonable ability to reach the local community or outpatient pharmacy; or
- a patient is identified as needing human immunodeficiency virus (HIV) postexposure prophylaxis drugs or therapies.

A hospital may only allow this practice after it develops certain policies and procedures, including establishing a quantity dispensing limit of no more than a 48-hour supply of a drug, except when community or hospital pharmacy services will not be available within 48 hours, or when antibiotics or HIV postexposure prophylaxis drugs or therapies are required.

A health care entity may only administer, dispense, or deliver legend drugs and controlled substances to patients who receive care within the health care entity. A health care provider providing care to a patient at the health care entity may only dispense drugs to the patient in an amount not to exceed 72 hours of usage.

"Health care entity" means an organization that provides health care services in a setting that is not otherwise licensed by the state to acquire or possess legend drugs. Health care entity includes a freestanding outpatient surgery center, a residential treatment facility, and a freestanding cardiac care center. Health care entity does not include an individual practitioner's office or a multipractitioner clinic.

Summary of Bill (First Substitute): Hospitals may dispense prepackaged emergency medications to patients being discharged from a hospital emergency department when community or outpatient hospital pharmacy services are not available within 15 miles within Washington by road.

A hospital may dispense more than a 48-hour supply of a drug under statutorily defined circumstances when:

- community or hospital outpatient pharmacy services will not be available within 48 hours;
- anti-infectives or HIV postexposure prophylaxis drugs or therapies are required; or
- drugs or therapies are packaged directly by the manufacturer in quantities larger than a 48 hour supply that cannot be altered to be limited to a 48 hour supply.

The prohibition on a health care entity dispensing more than a 72-hour supply of drugs to a patient does not apply when:

- community or hospital outpatient pharmacy services will not be available within 72 hours;
- anti-infectives or HIV postexposure prophylaxis drugs or therapies are required; or
- drugs or therapies are packaged directly by the manufacturer in quantities larger than a 72 hour supply that cannot be limited to a 72 hour supply.

EFFECT OF CHANGES MADE BY HEALTH & LONG-TERM CARE COMMITTEE (First Substitute):

- Changes the title to: An act relating to expanding the situations in which medications can be dispensed or delivered from hospitals and health care entities.
- Clarifies that hospitals and health care entities may only dispense prepackaged drugs in quantities larger than a 48 or 72 hour supply when the drug packaging cannot be altered to limit the supply to 48 or 72 hours.

Appropriation: None.

Fiscal Note: Requested on January 14, 2025.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill: *The committee recommended a different version of the bill than what was heard.* PRO: The goal of the bill is to help those without easy access to pharmacy services or when the course of therapy cannot be broken up. Prepackaged medications cannot always be broken up safely and it leads to drug waste. The bill will not lead to patients being billed for additional drugs being dispensed.

Persons Testifying: PRO: Senator Mike Chapman, Prime Sponsor; Katie Kolan, Washington State Hospital Association (WSHA); Jenny Arnold, Washington State Pharmacy Association.

Persons Signed In To Testify But Not Testifying: No one.