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**SUBSTITUTE HOUSE BILL 2296**

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

**By** House Health Care & Wellness (originally sponsored by Representatives Slatter, Schmick, Cody, Robinson, Dolan, Orwall, Tharinger, Macri, Young, Kloba, Appleton, Jenkins, Ormsby, Pollet, and Doglio)

1            AN ACT Relating to protecting consumers from excess charges for  
2    prescription medications; adding a new section to chapter 48.43 RCW;  
3    and creating new sections.

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) A contract entered into or renewed on or after the effective  
8    date of this section between a health carrier or a pharmacy benefit  
9    manager and a pharmacist or pharmacy may not penalize, including  
10   through increased utilization review, reduced payments, or other  
11   financial disincentives, a pharmacist's or pharmacy's disclosure to a  
12   person purchasing prescription medication of information regarding:

- 13            (a) The cost of the prescription medication to the person; or  
14            (b) The availability of any therapeutically equivalent  
15   alternative medications or alternative methods of purchasing the  
16   prescription medication including, but not limited to, paying the  
17   cash price, that are less expensive than the cost of the prescription  
18   medication to the person.

19            (2) On or after January 1, 2019, the maximum amount a health  
20   carrier or pharmacy benefit manager may require a person to pay at

1 the point of sale for a covered prescription medication is the lesser  
2 of:

3 (a) The applicable cost sharing for the prescription medication;  
4 or

5 (b) The amount the person would pay for the prescription  
6 medication if the person purchased the prescription medication  
7 without using a health plan or any other source of prescription  
8 medication benefits or discounts.

9 (3) For purposes of this section, "pharmacy benefit manager" has  
10 the same meaning as in RCW 19.340.010.

11 NEW SECTION. **Sec. 2.** (1) The legislature finds that further  
12 study of other states with laws similar to, but more expansive than,  
13 section 1 of this act is warranted to determine whether those states  
14 have encountered difficulties in implementing their laws. If the  
15 study finds that a state's ability to implement its laws has not been  
16 adversely affected by including the allowable reimbursement or claim  
17 amount among the maximum amounts an individual may be required to pay  
18 at the point of sale for a prescription medication, the legislature  
19 intends to amend section 1(2) of this act to enact a similar  
20 provision in Washington.

21 (2) The insurance commissioner must evaluate the implementation  
22 of statutes similar to section 1 of this act enacted by other states  
23 including, but not limited to, 2017 Conn. Acts 17-241 Sec. 1. The  
24 evaluation must include an assessment of whether including the  
25 allowable claim amount among the maximum amounts an individual may be  
26 required to pay at the point of sale for a prescription medication  
27 adversely affected the state's ability to implement its statute.

28 (3) The commissioner must report his or her findings to the  
29 appropriate committees of the legislature by January 1, 2019.

30 NEW SECTION. **Sec. 3.** If any provision of this act or its  
31 application to any person or circumstance is held invalid, the  
32 remainder of the act or the application of the provision to other  
33 persons or circumstances is not affected.

34 NEW SECTION. **Sec. 4.** This act may be known and cited as the  
35 affordable medication for patients act.

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