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**SUBSTITUTE SENATE BILL 5459**

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AS AMENDED BY THE HOUSE

Passed Legislature - 2013 Regular Session

**State of Washington                      63rd Legislature                      2013 Regular Session**

**By** Senate Health Care (originally sponsored by Senators Becker, Keiser, Parlette, Dammeier, and Kline)

READ FIRST TIME 02/20/13.

1            AN ACT Relating to requiring ninety-day supply limits on certain  
2 drugs dispensed by a pharmacist; and adding a new section to chapter  
3 18.64 RCW.

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

5            NEW SECTION.    **Sec. 1.** A new section is added to chapter 18.64 RCW  
6 to read as follows:

7            (1) A pharmacist may dispense not more than a ninety-day supply of  
8 a drug other than a controlled substance pursuant to a valid  
9 prescription that specifies an initial quantity of less than a  
10 ninety-day supply followed by periodic refills of that amount if all of  
11 the following requirements are satisfied:

12            (a) The patient has completed an initial thirty-day supply of the  
13 drug. However, if the prescription continues the same medication as  
14 previously dispensed in a ninety-day supply, the initial thirty-day  
15 supply under this subsection (1) is not required;

16            (b) The total quantity of dosage units dispensed does not exceed  
17 the total quantity of dosage units authorized by the prescriber on the  
18 prescription including refills;

1 (c) The prescriber has not specified on the prescription that  
2 dispensing the prescription in an initial amount followed by periodic  
3 refills is medically necessary; and

4 (d) The pharmacist is exercising his or her professional judgment.

5 (2) In no case may a pharmacist dispense a greater supply of a drug  
6 pursuant to this section if the prescriber personally indicates, either  
7 orally or in their own handwriting, "no change to quantity," or words  
8 of similar meaning. Nothing in this section prohibits a prescriber  
9 from checking a box on a prescription marked "no change to quantity,"  
10 provided that the prescriber personally initials the box or checkmark.

11 (3) A pharmacist dispensing an increased supply of a drug pursuant  
12 to this section shall notify the prescriber of the increase in the  
13 quantity of dosage units dispensed.

14 (4) Nothing in this section may be construed to require a health  
15 benefit plan, health carrier, workers' compensation insurance plan,  
16 pharmacy benefit manager, or any other person or entity including, but  
17 not limited to, a state program or state employer, to provide coverage  
18 in a manner inconsistent with the beneficiary's or enrollee's plan  
19 benefit.

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