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**SENATE BILL 6127**

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**State of Washington**

**68th Legislature**

**2024 Regular Session**

**By** Senators Lias, Rivers, Muzzall, and Randall

1 AN ACT Relating to increasing access to human immunodeficiency  
2 virus postexposure prophylaxis drugs or therapies; amending RCW  
3 70.41.480; adding a new section to chapter 70.41 RCW; adding a new  
4 section to chapter 43.70 RCW; and adding a new section to chapter  
5 48.43 RCW.

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

7 NEW SECTION. **Sec. 1.** A new section is added to chapter 70.41  
8 RCW to read as follows:

9 (1) A hospital must adopt a policy and have procedures in place,  
10 that conform with the guidelines issued by the centers for disease  
11 control and prevention, for the dispensing of human immunodeficiency  
12 virus postexposure prophylaxis drugs or therapies.

13 (2) This policy must ensure that hospital staff dispense to a  
14 patient, with a patient's informed consent, at least a five-day  
15 supply of human immunodeficiency virus postexposure prophylaxis drugs  
16 or therapies following the patient's possible exposure to human  
17 immunodeficiency virus, unless medically contraindicated.

18 **Sec. 2.** RCW 70.41.480 and 2022 c 25 s 1 are each amended to read  
19 as follows:

1           (1) The legislature finds that high quality, safe, and  
2 compassionate health care services for patients of Washington state  
3 must be available at all times. The legislature further finds that  
4 there is a need for patients being released from hospital emergency  
5 departments to maintain access to emergency medications when  
6 community or hospital pharmacy services are not available, including  
7 medication for opioid overdose reversal and for the treatment for  
8 opioid use disorder as appropriate. It is the intent of the  
9 legislature to accomplish this objective by allowing practitioners  
10 with prescriptive authority to prescribe limited amounts of  
11 prepackaged emergency medications to patients being discharged from  
12 hospital emergency departments when access to community or outpatient  
13 hospital pharmacy services is not otherwise available.

14           (2) A hospital may allow a practitioner to prescribe prepackaged  
15 emergency medications and allow a practitioner or a registered nurse  
16 licensed under chapter 18.79 RCW to distribute prepackaged emergency  
17 medications to patients being discharged from a hospital emergency  
18 department in the following circumstances:

19           (a) During times when community or outpatient hospital pharmacy  
20 services are not available within 15 miles by road; or

21           (b) When, in the judgment of the practitioner and consistent with  
22 hospital policies and procedures, a patient has no reasonable ability  
23 to reach the local community or outpatient pharmacy.

24           (3) A hospital may only allow this practice if: The director of  
25 the hospital pharmacy, in collaboration with appropriate hospital  
26 medical staff, develops policies and procedures regarding the  
27 following:

28           (a) Development of a list, preapproved by the pharmacy director,  
29 of the types of emergency medications to be prepackaged and  
30 distributed;

31           (b) Assurances that emergency medications to be prepackaged  
32 pursuant to this section are prepared by a pharmacist or under the  
33 supervision of a pharmacist licensed under chapter 18.64 RCW;

34           (c) Development of specific criteria under which emergency  
35 prepackaged medications may be prescribed and distributed consistent  
36 with the limitations of this section;

37           (d) Assurances that any practitioner authorized to prescribe  
38 prepackaged emergency medication or any nurse authorized to  
39 distribute prepackaged emergency medication is trained on the types

1 of medications available and the circumstances under which they may  
2 be distributed;

3 (e) Procedures to require practitioners intending to prescribe  
4 prepackaged emergency medications pursuant to this section to  
5 maintain a valid prescription either in writing or electronically in  
6 the patient's records prior to a medication being distributed to a  
7 patient;

8 (f) Establishment of a limit of no more than a 48 hour supply of  
9 emergency medication as the maximum to be dispensed to a patient,  
10 except when community or hospital pharmacy services will not be  
11 available within 48 hours. In no case may the policy allow a supply  
12 exceeding 96 hours be dispensed;

13 (g) Assurances that prepackaged emergency medications will be  
14 kept in a secure location in or near the emergency department in such  
15 a manner as to preclude the necessity for entry into the pharmacy;  
16 and

17 (h) Assurances that nurses or practitioners will distribute  
18 prepackaged emergency medications to patients only after a  
19 practitioner has counseled the patient on the medication.

20 (4) The delivery of a single dose of medication for immediate  
21 administration to the patient is not subject to the requirements of  
22 this section.

23 (5) Nothing in this section restricts the authority of a  
24 practitioner in a hospital emergency department to distribute opioid  
25 overdose reversal medication under RCW 69.41.095.

26 (6) Nothing in this section restricts the authority of a  
27 practitioner in a hospital emergency department to distribute human  
28 immunodeficiency virus postexposure prophylaxis drugs or therapies in  
29 accordance with section 1 of this act.

30 (7) A practitioner or a nurse in a hospital emergency department  
31 must dispense or distribute opioid overdose reversal medication in  
32 compliance with RCW 70.41.485.

33 ((7)) (8) For purposes of this section:

34 (a) "Emergency medication" means any medication commonly  
35 prescribed to emergency department patients, including those drugs,  
36 substances or immediate precursors listed in schedules II through V  
37 of the uniform controlled substances act, chapter 69.50 RCW, as now  
38 or hereafter amended.

39 (b) "Distribute" means the delivery of a drug or device other  
40 than by administering or dispensing.

1 (c) "Opioid overdose reversal medication" has the same meaning as  
2 provided in RCW 69.41.095.

3 (d) "Practitioner" means any person duly authorized by law or  
4 rule in the state of Washington to prescribe drugs as defined in RCW  
5 18.64.011(29).

6 (e) "Nurse" means a registered nurse or licensed practical nurse  
7 as defined in chapter 18.79 RCW.

8 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.70  
9 RCW to read as follows:

10 Once each calendar year, the department shall provide to each  
11 hospital designated as a critical access hospital, at no cost to the  
12 hospital, one 30-day supply of human immunodeficiency virus  
13 postexposure prophylaxis drugs or therapies, unless refused by the  
14 hospital under RCW 48.43.065.

15 NEW SECTION. **Sec. 4.** A new section is added to chapter 48.43  
16 RCW to read as follows:

17 (1) Except as provided in subsection (2) of this section, for  
18 health plans issued or renewed after December 31, 2024, a health  
19 carrier may not impose cost sharing or require prior authorization  
20 for all human immunodeficiency virus postexposure prophylaxis drugs  
21 or therapies.

22 (2) For a health plan that is offered as a qualifying health plan  
23 for a health savings account, the health carrier must establish the  
24 plan's cost sharing for the coverage required by this section at the  
25 minimum level necessary to preserve the enrollee's ability to claim  
26 tax exempt contributions and withdrawals from the enrollee's health  
27 savings account under the internal revenue service laws and  
28 regulations.

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