

CERTIFICATION OF ENROLLMENT

ENGROSSED SUBSTITUTE SENATE BILL 6127

Chapter 251, Laws of 2024

68th Legislature
2024 Regular Session

HUMAN IMMUNODEFICIENCY VIRUS POSTEXPOSURE PROPHYLAXIS DRUGS AND
THERAPIES—ACCESS

EFFECTIVE DATE: January 1, 2025

Passed by the Senate March 5, 2024
Yeas 48 Nays 0

DENNY HECK

President of the Senate

Passed by the House February 27, 2024
Yeas 95 Nays 0

LURIE JINKINS

**Speaker of the House of
Representatives**

Approved March 25, 2024 2:20 PM

JAY INSLEE

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 **ENGROSSED SUBSTITUTE SENATE BILL 6127** as passed by the Senate and the House of Representatives on the dates hereon set forth.

SARAH BANNISTER

Secretary

FILED

March 26, 2024

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE SENATE BILL 6127

AS AMENDED BY THE HOUSE

Passed Legislature - 2024 Regular Session

State of Washington 68th Legislature 2024 Regular Session

By Senate Health & Long Term Care (originally sponsored by Senators Liiias, Rivers, Muzzall, Randall, Frame, Hasegawa, Kuderer, Lovick, Nobles, and Pedersen)

READ FIRST TIME 01/29/24.

1 AN ACT Relating to increasing access to human immunodeficiency
2 virus postexposure prophylaxis drugs or therapies; amending RCW
3 70.41.480; reenacting and amending RCW 41.05.017; adding a new
4 section to chapter 70.41 RCW; adding a new section to chapter 48.43
5 RCW; adding a new section to chapter 74.09 RCW; and providing an
6 effective date.

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

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

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

14 (2) This policy must ensure that hospital staff dispense or
15 deliver as defined in RCW 18.64.011 to a patient, with a patient's
16 informed consent, a 28-day supply of human immunodeficiency virus
17 postexposure prophylaxis drugs or therapies following the patient's
18 possible exposure to human immunodeficiency virus, unless medically
19 contraindicated, inconsistent with accepted standards of care, or
20 inconsistent with centers for disease control and prevention
21 guidelines. When available, hospitals shall dispense or deliver

1 generic human immunodeficiency virus postexposure prophylaxis drugs
2 or therapies.

3 (3) Nothing in this section shall be construed to alter the
4 coverage for reimbursement of postexposure prophylaxis drugs through:

5 (a) The crime victims' compensation program, established in
6 chapter 7.68 RCW, for drugs dispensed or delivered to sexual assault
7 victims; or

8 (b) The industrial insurance act for drugs dispensed or delivered
9 to a worker exposed to the human immunodeficiency virus through the
10 course of employment.

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

13 (1) The legislature finds that high quality, safe, and
14 compassionate health care services for patients of Washington state
15 must be available at all times. The legislature further finds that
16 there is a need for patients being released from hospital emergency
17 departments to maintain access to emergency medications when
18 community or hospital pharmacy services are not available, including
19 medication for opioid overdose reversal and for the treatment for
20 opioid use disorder as appropriate. It is the intent of the
21 legislature to accomplish this objective by allowing practitioners
22 with prescriptive authority to prescribe limited amounts of
23 prepackaged emergency medications to patients being discharged from
24 hospital emergency departments when access to community or outpatient
25 hospital pharmacy services is not otherwise available.

26 (2) A hospital may allow a practitioner to prescribe prepackaged
27 emergency medications and allow a practitioner or a registered nurse
28 licensed under chapter 18.79 RCW to distribute prepackaged emergency
29 medications to patients being discharged from a hospital emergency
30 department in the following circumstances:

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

33 (b) When, in the judgment of the practitioner and consistent with
34 hospital policies and procedures, a patient has no reasonable ability
35 to reach the local community or outpatient pharmacy; or

36 (c) When a patient is identified as needing human
37 immunodeficiency virus postexposure prophylaxis drugs or therapies.

38 (3) A hospital may only allow this practice if: The director of
39 the hospital pharmacy, in collaboration with appropriate hospital

1 medical staff, develops policies and procedures regarding the
2 following:

3 (a) Development of a list, preapproved by the pharmacy director,
4 of the types of emergency medications to be prepackaged and
5 distributed;

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

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

12 (d) Assurances that any practitioner authorized to prescribe
13 prepackaged emergency medication or any nurse authorized to
14 distribute prepackaged emergency medication is trained on the types
15 of medications available and the circumstances under which they may
16 be distributed;

17 (e) Procedures to require practitioners intending to prescribe
18 prepackaged emergency medications pursuant to this section to
19 maintain a valid prescription either in writing or electronically in
20 the patient's records prior to a medication being distributed to a
21 patient;

22 (f) Establishment of a limit of no more than a 48 hour supply of
23 emergency medication as the maximum to be dispensed to a patient,
24 except when community or hospital pharmacy services will not be
25 available within 48 hours (~~(. In no case may the policy allow a supply~~
26 ~~exceeding 96 hours be dispensed)), or when antibiotics or human
27 immunodeficiency virus postexposure prophylaxis drugs or therapies
28 are required;~~

29 (g) Assurances that prepackaged emergency medications will be
30 kept in a secure location in or near the emergency department in such
31 a manner as to preclude the necessity for entry into the pharmacy;
32 and

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

36 (4) The delivery of a single dose of medication for immediate
37 administration to the patient is not subject to the requirements of
38 this section.

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

4 (6) A practitioner or a nurse in a hospital emergency department
5 must dispense or distribute opioid overdose reversal medication in
6 compliance with RCW 70.41.485.

7 (7) For purposes of this section:

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

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

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

17 (d) "Practitioner" means any person duly authorized by law or
18 rule in the state of Washington to prescribe drugs as defined in RCW
19 18.64.011(29).

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

22 NEW SECTION. **Sec. 3.** A new section is added to chapter 48.43
23 RCW to read as follows:

24 (1) Except as provided in subsection (2) of this section, for
25 nongrandfathered health plans issued or renewed on or after January
26 1, 2025, a health carrier may not impose cost sharing or require
27 prior authorization for the drugs that comprise at least one regimen
28 recommended by the centers for disease control and prevention for
29 human immunodeficiency virus postexposure prophylaxis.

30 (2) For a health plan that is offered as a qualifying health plan
31 for a health savings account, the health carrier must establish the
32 plan's cost sharing for the coverage required by this section at the
33 minimum level necessary to preserve the enrollee's ability to claim
34 tax exempt contributions and withdrawals from the enrollee's health
35 savings account under the internal revenue service laws and
36 regulations.

37 (3) Notwithstanding the coverage requirements of this section, a
38 health plan shall reimburse a hospital that bills for a 28-day supply
39 of any human immunodeficiency virus postexposure prophylaxis drugs or

1 therapies dispensed or delivered to a patient in the emergency
2 department for take-home use, pursuant to section 1 of this act, as a
3 separate reimbursable expense. This reimbursable expense is separate
4 from any bundled payment for emergency department services.

5 NEW SECTION. **Sec. 4.** A new section is added to chapter 74.09
6 RCW to read as follows:

7 (1) The authority and all medicaid contracted managed care
8 organizations shall provide coverage without prior authorization for
9 the drugs that comprise at least one regimen recommended by the
10 centers for disease control and prevention for human immunodeficiency
11 virus postexposure prophylaxis.

12 (2) Notwithstanding the coverage requirements of this section,
13 the authority or a medicaid contracted managed care organization
14 shall reimburse a hospital that bills for a 28-day supply of any
15 human immunodeficiency virus postexposure prophylaxis drugs or
16 therapies dispensed or delivered to a patient in the emergency
17 department for take-home use, pursuant to section 1 of this act, as a
18 separate reimbursable expense. This reimbursable expense is separate
19 from any bundled payment for emergency department services.

20 **Sec. 5.** RCW 41.05.017 and 2022 c 236 s 3, 2022 c 228 s 2, and
21 2022 c 10 s 2 and are each reenacted and amended to read as follows:

22 Each health plan that provides medical insurance offered under
23 this chapter, including plans created by insuring entities, plans not
24 subject to the provisions of Title 48 RCW, and plans created under
25 RCW 41.05.140, are subject to the provisions of RCW 48.43.500,
26 70.02.045, 48.43.505 through 48.43.535, 48.43.537, 48.43.545,
27 48.43.550, 70.02.110, 70.02.900, 48.43.190, 48.43.083, 48.43.0128,
28 48.43.780, 48.43.435, 48.43.815, section 3 of this act, and chapter
29 48.49 RCW.

30 NEW SECTION. **Sec. 6.** This act takes effect January 1, 2025.

Passed by the Senate March 5, 2024.
Passed by the House February 27, 2024.
Approved by the Governor March 25, 2024.
Filed in Office of Secretary of State March 26, 2024.

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