



STATE OF WASHINGTON
Pharmacy Quality Assurance Commission
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February 11, 2022
Weekly Legislative Review Agenda
Time: 12:00 p.m.

Register for Webinar

ID: 484-649-427

Phone: 914.614.3221

Access Code 532-935-602

Audio PIN: *Shown after joining the webinar*

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In accordance with the Open Public Meetings Act, notices were mailed electronically to individuals who requested notification of meetings of the Pharmacy Quality Assurance Commission.

Times and Order: The meeting will begin at 12:00 p.m. and will continue until all agenda items are complete. This agenda is subject to change. Items might not be taken in order of the agenda. Please call 360.236.4834 before the meeting date to confirm the meeting agenda. This meeting will not be recorded.

1. Opening
 - a. Member Roll Call

2. PQAC Bill Report
 - a. Review Bills (*Information*)
 - i. Determine position and action on each bill (*Action*)
 - ii. Weekly report on actions

3. Public Comment Period

Meeting Adjourned/Closed.

Accessibility: This meeting is accessible to persons with disabilities. Special aids and services can be made available upon advance request. Requests must be made no later than five (5) days prior to the meeting. If you would like general information about this meeting, please call (360) 236-4946. If you need assistance with special services, you may leave a message with that request at 1-800-525-0127 or if calling outside Washington State call (360) 236-4052. TDD may be accessed by calling the TDD relay service at 711. If you need assistance due to a speech disability, Speech-to-Speech provides human voices for people with difficulty being understood. The Washington State Speech to Speech toll free access number is 1-877- 833-6341.

[Link to Washington State Legislature Bill Information 2022](#)

Jan 10, 2022 – First day of session.
 Feb 3, 2022 – Policy Committee Cutoff.
 Feb 7, 2022 – Fiscal Committee Cutoff.
 Feb 15, 2022 – House of Origin Cutoff. **Next cutoff**
 Feb 24, 2022 – Policy Committee Cutoff – Opposite House.
 Feb 28, 2022 – Fiscal Committee Cutoff – Opposite House.

March 4, 2022 – Opposite House Cutoff.
 March 10, 2022 – Sine die. Last day allowed for regular session under state constitution.

TVW - <http://www.tvw.org/>

Bills Requiring Active Involvement/Input			
Bill # /Companion	Short Title	Brief Description	Committee Action (subject to change)
SHB 1852	Language requirements for prescription drug labels.	<p>The Pharmacy Quality Assurance Commission (commission) must adopt rules by July 1, 2024 to establish requirements for the purpose of translating prescription drug labels and prescription information, applying only to outpatient medications dispensed for home use and intended for human use. At a minimum, these rules must require the translation of both directions for use and any auxiliary warnings that would otherwise appear on the prescription drug label. Additionally, these rules must establish:</p> <ul style="list-style-type: none"> • A list of up to 15 languages for which translation is required (must work in consultation with the WA State office of Equity and Governor’s Interagency Council on Health Disparities) and update the list every 10 years • The labels and/or information sheets for which translation is required • The pharmacies and settings to which the translation requirements apply • The procuring/providing process for the translations • Necessary conditions under which a pharmacy must provide translated prescription information • Any signage a pharmacy must post to notify customers of the availability of translated prescription information <p>Pharmacies and nonresident pharmacies are not responsible for providing any translated information beyond what the commission requires in rule. The commission may also consider rules that help administer/implement the translation requirements and rules that establish other accessibility requirements for individuals who are blind, visually impaired, and/or print disabled. Establishes penalties on nonresident pharmacies for violations of these requirements.</p>	<p><u>HB 1852</u> <i>Pre-filed:</i> 1/7/2022 <i>Sponsors:</i> Representatives Thai, Cody, Gregerson, Macri, Santos, Slatter, Valdez, Pollet, and Riccelli <i>Introduced:</i> 1/10/2022, referred to House Committee on Health Care & Wellness.</p> <p><u>SHB 1852</u> <i>Executive session:</i> 1/31/2022, Moved through committee with “do pass” recommendation. Referred to Appropriations (2/2) <i>Appropriations:</i> 2/7/2022, committee relieved of further consideration, referred to Rules 2 Review</p>
SHB 1675	Dialysate and dialysis device manufacturers.	SHB 1675 amends RCW 18.64.257 and 69.41.032 (addressing the prescription of legend drugs by dialysis programs) to include additional entities related to dialysis programs and treatment. These entities—dialysis device and/or dialysate manufacturers and wholesalers—are allowed to sell, deliver, possess, and/or dispense dialysis devices	<p><u>HB 1675</u> <i>Sponsors:</i> Representatives Bateman, Maycumber, Leavitt,</p>

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		<p>or commercially available dialysate directly to dialysis patients. This direct delivery to patients is only allowed for legend drugs and dialysis devices prescribed by “a practitioner acting within the scope of the practitioner’s practice.”</p> <p>SHB 1675 also grants the commission rulemaking authority to implement the bill.</p>	<p>Graham, Dolan, Cody, Griffey, and Riccelli <i>Introduced:</i> 1/10/2022, referred to House Health Care & Wellness Committee.</p> <p><u>SHB 1675</u> <i>Floor vote (House):</i> 1/26/2022, Voted to pass (97/0/0/1) <i>Introduced (Senate):</i> 2/1/2022, referred to Senate Health & Long Term Care Committee.</p>
<u>SSB 5546</u>	Insulin affordability.	SB 5546 amends Washington state law pertaining to insulin affordability to reduce the amount health plan enrollees must pay for a 30-day supply of prescription insulin drugs, from \$100 to \$35. This section also amends the date after which issued or renewed health plans must comply with the price change from January 1, 2021 to January 1, 2023.	<p><u>SB 5546</u> <i>Sponsors:</i> Senators Keiser and Van De Wege <i>Introduced:</i> 1/10/2022, referred to Senate Health & Long Term Care Committee.</p> <p><u>SSB 5546</u> <i>Floor vote:</i> 2/8/2022, voted to pass (48/1/0/0)</p>
<u>SHB 1728</u>	Insulin affordability – Workgroup funding and report deadline.	<p>SHB 1728 would amend RCW 70.14.160 to change the composition of the insulin affordability workgroup and would create a new section pertaining to funding deadlines for that group. The deadline for the submission of the preliminary report “detailing strategies to reduce the cost of and total expenditures” of insulin for patients and the expiration of the section establishing the workgroup is extended from 2020 to 2022. The section expiration date is also extended from 2022 to 2024.</p> <p>A new section (Sec. 2.) is added that makes this act null and void if specific funding is not provided for this act by June 30, 2022.</p>	<p><u>HB 1728</u> <i>Pre-filed:</i> 1/3/2022 <i>Sponsors:</i> Representatives Maycumber, Cody, Callan, Eslick, Macri, Ramos, Griffey, Riccelli, and Leavitt; by request of Health Care Authority <i>Introduced:</i> 1/10/2022, referred to House Committee on Health Care & Wellness.</p>

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			<p>SHB 1728 <i>Executive session: 2/1/2022,</i> substituted HB 1728 and moved through committee with “do pass” recommendation. Placed on second reading (2/7)</p>
<p>SHB 1668 2SHB 1668</p>	Expanding regulatory authority over cannabinoids.	<p>SHB 1668 would authorize the Liquor and Cannabis Board (board) to regulate all cannabinoids that may be impairing, regardless of origin, and would direct the board to adopt rules related to cannabinoid products and Cannabis isolates, except those authorized as a drug by the federal Food and Drug Administration (FDA).</p> <p>This would move jurisdiction over some identified substances from the Pharmacy Quality Assurance Commission (PQAC) to the Liquor and Cannabis Board (LCB) and would give the LCB rulemaking authority for the production, processing, delivery, sale, etc. of hemp and FDA-approved substances. These substances include forms of tetrahydrocannabinol (THC) other than delta-9 THC, which has previously been placed in LCB’s jurisdiction. Additional language was included in SHB 1668 (Sections 10 and 11) to include artificial and synthetic cannabinoid contents as a condition for taxing/regulating “marijuana concentrates, useable marijuana, or marijuana-infused products.”</p> <p>Second Substitute Bill</p> <ul style="list-style-type: none"> • Adds a definition for the term “impairing” (Section 2(aa)) • Adds a new section (Section 12) requiring the LCB to consult with four members of the state legislature—one each from the two largest caucuses in both the House and the Senate—and invite those members to public hearings on proposed rules authorized or required by 2SHB 1668. 	<p>HB 1668 <i>Pre-filed: 12/20/2021</i> <i>Sponsors: Representatives Kloba, Wylie, and Young</i> <i>Introduced: 1/10/2022, referred to Senate Labor, Commerce & Tribal Affairs Committee.</i></p> <p>SHB 1668 <i>Executive session: 1/25/2022,</i> moved through committee with a “do pass” recommendation. Referred to appropriations.</p> <p>2SHB 1668 <i>Executive session: 2/7/2022,</i> moved through committee with a “do pass” recommendation, referred to Rules 2 Review.</p>
SSB 5753	Enhancing the capacity of health profession boards, commissions, and advisory committees.	It modifies membership and quorum requirements for the following regulatory bodies: Dental Quality Assurance Commission, the Veterinary Board of Governors, the Board of Physical Therapy, the Board of Massage, and the Board of Nursing Home Administrators. It authorizes the Pharmacy Commission to use the same regulatory delegation for facilities enforcement that it currently does for pharmacy professionals. It harmonizes all boards and commissions as Class 5 Groups under Chapter 43.03	<p>SB 5753 <i>Sponsors: Senators Robinson and Lovick</i> <i>Introduced: 1/10/2022, referred to Senate Health & Long Term Care Committee.</i></p>

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		RCW. And finally, the bill removes US citizenship as a prerequisite to serve on boards, commissions, or committees.	<u>SSB 5753</u> <i>Floor vote: 2/2/2022, voted to pass (36/11/0/2)</i> <i>Introduced (House): 2/7/2022, referred to House Health Care & Wellness Committee.</i>

Additional Bills to Watch (Not in PQAC Jurisdiction)			
Bill # /Companion	Short Title		Committee Action (subject to change)
SSB 5532 2SSB 5532	Prescription drug affordability board.	<u>SB 5532</u> <i>Sponsors: Senators Keiser, Robinson, Conway, Hasegawa, Pedersen, Randall, Stanford, and Wilson, C.</i> <i>Introduced: 1/10/2022, referred to Senate Health & Long Term Care Committee.</i> <u>SSB 5532</u> <i>Executive session: 1/28/2022, moved through committee with a “do pass” recommendation, referred to Senate Ways & Means Committee (1/31/2022)</i> <u>2SSB 5532</u> <i>Executive session: 2/7/2022, moved through committee with a “do pass” recommendation, passed to Rules Committee for second reading.</i> <i>Division track – Monitoring for amendments</i>	
SHB 1813	Pharmacy choice – Pharmacy benefit manager rules.	<u>HB 1813</u> <i>Sponsors: Representatives Schmick, Macri, Graham, and Chambers</i> <i>Introduced: 1/10/2022, referred to House Health Care & Wellness Committee</i> <u>SHB 1813</u> <i>Executive session: 2/2/2022, moved through committee with a “do pass” recommendation, placed on second reading (2/7)</i> <i>Division track – Monitoring for amendments</i>	

Additional Bills to Watch (Not in PQAC Jurisdiction)		
Bill # /Companion	Short Title	Committee Action (subject to change)
<u>SHB 1821</u>	Definition of established relationship for purposes of audio-only telemedicine.	<p><u>HB 1821</u> <i>Sponsors:</i> Representatives Schmick, Riccelli, Cody, and Graham <i>Introduced:</i> 1/10/2022 and referred to House Committee on Health Care & Wellness.</p> <p><u>SHB 1821</u> <i>Executive session:</i> 1/26/2022, moved through committee with a “do pass” recommendation <i>Floor vote:</i> 2/8/2022, voted to pass (95/0/0/3)</p>
<u>SSB 5765</u>	Relating to the practice of midwifery.	<p><u>SB 5765</u> <i>Sponsors:</i> Senators Randall, Keiser, Conway, Das, Hasegawa, Lovelett, Mullet, Robinson, Saldaña, Stanford, Trudeau, Wilson, C. <i>Introduced:</i> 1/11/2022, referred to Senate Health & Long Term Care Committee.</p> <p><u>SSB 5765</u> <i>Executive session:</i> 1/28/2022, moved through committee with a “do pass” recommendation, referred to Senate Rules Committee for second reading (1/31/2022)</p>
<u>HB 1874</u>	Reducing licensing barriers for those with previous arrest.	<p><u>HB 1874</u> <i>Sponsors:</i> Representatives Vick, Dufault, Hoff, Jacobsen, Leavitt, Simmons, Corry, Senn, Peterson, Goodman, Riccelli, Davis, Macri, and Young <i>Introduced:</i> 1/11/2022, referred to House Consumer Protection & Business Committee. <i>Floor vote:</i> 1/26/2022, Voted to pass (96/1/0/1) <i>Introduced (Senate):</i> 2/1/2022, referred to House Business, Financial Services & Trade Committee.</p>
<u>SSB 5542</u>	Related to the practice of optometry.	<p><u>SB 5542</u> <i>Pre-filed:</i> 12/14/2021 <i>Sponsors:</i> Senators Cleveland, Rivers, Conway, Lovick, and Robinson <i>Introduced:</i> 1/10/2022, referred to Senate Health & Long Term Care Committee.</p> <p><u>SSB 5542</u> <i>Executive session:</i> 2/2/2022, moved through committee with a “do pass” recommendation, referred to Rules Committee for second reading (2/3).</p>
<u>SSB 5794</u>	Behavior health condition prescription drug coverage.	<p><u>SB 5794</u> <i>Sponsors:</i> Senators Dhingra, Kuderer, Frockt, Hasegawa, Lovelett, Randall, Van De Wege, and Wilson, C. <i>Introduced:</i> 1/11/2022, referred to Senate Health & Long Term Care Committee.</p>

Additional Bills to Watch (Not in PQAC Jurisdiction)		
Bill # /Companion	Short Title	Committee Action (subject to change)
		<p><u>SSB 5794</u> <i>Executive session: 2/7/2022, moved through committee with a “do pass” recommendation, referred to Rules Committee for second reading.</i></p> <p><i>Division track – Monitoring for amendments</i></p>

Dead/dormant Bills (relevant if needed to pass the budget)		
Bill # /Companion	Short Title	Bill Summary
HB 1863	Authorizing the prescriptive authority of psychologists.	The bill adds psychologists to the list of professions able to prescribe medication, if a currently licensed psychologist meets the certain criteria. The bill also excludes opioids from medication that may be prescribed, requires the Examining Board of Psychology to work with the medical commission when creating administrative rules establishing standards for certifying prescribing psychologists, and adds a 10 th board member and a requirement one of the board members must be an expert in psychotropic prescribing.
PSSB 5660	Establishment of a psilocybin board.	<p>This bill creates a system in which individuals aged 21 or older may consume psilocybin products for purposes of wellness, provided that the consumption takes place within licensed service centers, under the supervision of licensed facilitators, and using products created and tested by manufacturers and testers licensed by the Washington State Department of Health (DOH).</p> <p>The bill also:</p> <ul style="list-style-type: none"> • Establishes a misdemeanor offense for falsification of identification and establishes civil penalties for violations of psilocybin rules. • Preempts local jurisdictions from establishing local licenses or taxes related to the manufacturing or sale of psilocybin. • Prohibits an employer from discriminating against, requiring testing for, or discharging an employee for receiving psilocybin services
SB 5743	Designating kratom as a controlled substance.	SB 5743 amends RCW 69.50.204 to classify mitragynine and 7-hydroxymitragynine, substances commonly known as kratom, as Schedule I drugs. A new section is added to justify the decision via emergency declaration: “This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.”

Dead/dormant Bills (relevant if needed to pass the budget)		
Bill # /Companion	Short Title	Bill Summary
SB 5767	Regulating hemp-derived cannabinoids.	<p>The bill requires LCB to adjust their regulations regarding cannabinoids and cannabis product testing, and lab standards. This includes LCB regulation regarding flower lots, batch testing; and laboratory testing standards that require certain tests to be completed on each flower lot, such as moisture analysis, foreign matter screening, microbial, mycotoxins and others. This bill adds several definitions and defines different types of cannabinoids.</p> <p>The bill may require the department to amend 246-70 WAC, depending on what LCB would need to change in their rules. We may need to amend our chapter regarding heavy metal screening and mycotoxin screening depending on how it affects LCB's rulemaking.</p>
SB 5941	The Washington Kratom Consumer Protection Act	<p>SB 5941—the Washington Kratom Consumer Protection Act—adds a new chapter to Title 69 RCW for the purpose of regulating the preparation, distribution, or sale of kratom products. Kratom products are defined in Section 2.5 as “products that contain any part of the leaf of the plant <i>Mitragyna speciosa</i> or kratom extract, and are intended for human ingestion.” Section 3 of the HB 5941 prohibits kratom processors—those who sell, prepare, manufacture, distribute, or maintain kratom products—from using “dangerous nonkratom substances” in kratom products and establishes additive thresholds for such products. Kratom processors may not distribute or sell kratom products to individuals under 21 years of age (Section 4), and Section 5 establishes fines that may be imposed for violations of Sections 3 and 4.</p> <p>Section 6 of SB 5941 grants the department rulemaking authority related to kratom products to establish 1) testing standards for safe human consumption, 2) accurate labeling standards, and 3) other rules deemed necessary to administer the new chapter. Sections 1 through 6 are intended to comprise the new chapter in Title 69 RCW, which will take effect on January 1, 2023.</p>