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Chairman Phil Mendelson


Councilmember Brianne K. Nadeau


Councilmember Charles Allen


Councilmember Mary M. Cheh


Councilmember Vincent Gray


Councilmember Anita Bonds


Councilmember Robert White

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To prohibit insurance companies from factoring the use of pre-exposure prophylaxis in decisions related to the issuance of disability, life, or long-term care insurance policies.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Pre-exposure Prophylaxis Insurance Discrimination Amendment Act of 2019".

Sec. 2. The Prohibition of Discrimination in the Provision of Insurance Act of 1986, effective August 7, 1986 (D.C. Law 6-132; D.C. Official Code § 31-1601 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 31-1601) is amended by adding a new paragraph (8) to read as follows:

"(8) "Pre-exposure Prophylaxis" means daily oral antiretroviral medication with a fixed-dose combination of tenofovir disoproxil fumarate and emtricitabine.

(b) A new section 12 (D.C. Official Code § 31-1611) is added to read as follows:

"Sec. 12. Prohibition against discrimination in use of pre-exposure prophylaxis.

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“(a) No life, disability income, or long-term care insurance policy or contract shall contain any exclusion, reduction, or other limitation of benefits related to the use of pre-exposure prophylaxis when taken pursuant to a valid prescriber’s order.

“(b) In reviewing an application for life, disability income, or long-term care insurance, no insurer, or an agent, broker, or employee of the insurer shall factor the use of pre-exposure prophylaxis when taken pursuant to a valid prescriber’s order into a decision regarding:

- “(1) whether to issue, renew, or cancel a policy;
- “(2) the rates, premiums, dues, assessments, benefits covered, or expenses reimbursable under the policy; or
- “(3) the duration or terms of the policy.

“(c) In addition to the applicable penalties of section 9 of this chapter, an insurer, or an agent, broker, or employee of the insurer shall be fined not less than \$1,000 or more than \$10,000 for each violation of this section.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

61 24, 1973 (87 Stat. 788; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
62 Columbia Register.