

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 4 of Title 49 of the Official Code of Georgia Annotated, relating to public  
2 assistance, so as to make insulin accessible to individuals who are in urgent need of a  
3 short-term affordable insulin supply; to provide for a short title; to provide for definitions;  
4 to require a pharmacy to dispense a 30 day supply of insulin to an eligible individual through  
5 the Urgent Insulin Safety Net Program; to allow a pharmacy to collect a copayment not to  
6 exceed \$35.00 for insulin dispensed through such program; to provide for a pharmacy to  
7 submit a claim for payment or a replacement supply after dispensing insulin through such  
8 program; to require a manufacturer to reimburse or resupply a pharmacy dispensing insulin  
9 through such program; to provide for a pharmacy to dispense one additional short-term  
10 affordable urgent insulin supply under certain conditions; to require the Department of  
11 Community Health to develop an application form, an information sheet, and satisfaction  
12 surveys regarding such program; to require a manufacturer of insulin to establish procedures  
13 to make insulin available under such program; to provide for enforcement, penalties, and  
14 appellate procedures; to provide for reporting; to provide for related matters; to provide for  
15 an effective date; to repeal conflicting laws; and for other purposes.

16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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**SECTION 1.**

Chapter 4 of Title 49 of the Official Code of Georgia Annotated, relating to public assistance, is amended by adding a new article to read as follows:

"Article 10

49-4-200.

This article shall be known and may be cited as the 'Urgent Insulin Safety Net Program Act.'

49-4-201.

As used in this article, the term:

- (1) 'Board' means the State Board of Pharmacy.
- (2) 'Department' means the Department of Community Health.
- (3) 'Eligible individual' means an individual qualified for assistance under the program as provided in Code Section 49-4-204.
- (4) 'Insulin' means various types of insulin analogs and insulin-like medications, regardless of activation period or whether the solution is mixed before or after dispensation. An insulin product is exempt from the provisions of this article if the wholesale acquisition cost of the insulin is \$8.00 or less per milliliter or applicable National Council for Prescription Drug Plan billing unit for the entire assessment time period, adjusted annually based on the Consumer Price Index.
- (5) 'Manufacturer' means a manufacturer engaged in the production of insulin that is self-administered on an outpatient basis. Such term shall not include a manufacturer with an annual gross revenue of \$2 million or less from insulin sales in this state.
- (6) 'Pharmacy' shall have the same meaning as provided in Code Section 26-4-5.
- (7) 'Program' means the Urgent Insulin Safety Net Program as provided for in this article.

41 (8) 'Proper identification' means any document issued by a governmental agency  
42 containing a description of the individual, such individual's photograph, or both, and  
43 giving such individual's date of birth and includes, without being limited to, a passport,  
44 military identification card, driver's license, or an identification card authorized under  
45 Code Sections 40-5-100 through 40-5-104. Proper identification shall not include a birth  
46 certificate.

47 (9) 'Urgent need of insulin' means having readily available for use less than a seven-day  
48 supply of insulin and in need of insulin in order to avoid the likelihood of suffering  
49 significant health consequences.

50 49-4-202.

51 (a) Upon receipt of a completed, signed, and dated application form, as provided for in  
52 Code Section 49-4-204, proof of proper identification, and a copy of a current valid insulin  
53 prescription, a pharmacy shall dispense one 30 day supply of insulin to an eligible  
54 individual in urgent need of insulin; provided, however, that a pharmacy may dispense one  
55 additional 30 day supply of insulin within a 12 month period to an eligible individual as  
56 provided in Code Section 49-4-203.

57 (b) The pharmacy may collect a copayment from the individual to whom insulin was  
58 dispensed through the program to cover such pharmacy's costs of processing and  
59 dispensing insulin as part of the program in an amount not to exceed \$35.00 for the 30 day  
60 supply of insulin dispensed.

61 (c) The pharmacy shall notify the healthcare provider who issued the insulin prescription  
62 for the eligible individual no later than 72 hours after the insulin is dispensed.

63 (d) The pharmacy shall submit to the manufacturer of the dispensed insulin product or to  
64 the manufacturer's vendor a claim for payment that conforms with the National Council for  
65 Prescription Drug Program standards for electronic claims processing. The manufacturer  
66 shall timely reimburse the pharmacy in an amount that covers the pharmacy's acquisition

67 cost for the insulin and shall timely send the pharmacy a replacement supply of the same  
68 insulin dispensed under the program.

69 (e) When the pharmacy dispenses the insulin to the eligible individual, the pharmacy shall  
70 also provide an information sheet and a survey, as provided for in Code Sections 49-4-205  
71 and 49-4-206, respectively.

72 (f) The pharmacy shall retain a copy of submitted applications for reporting and auditing  
73 purposes.

74 49-4-203.

75 (a) A pharmacy shall dispense one additional 30 day supply of insulin to an eligible  
76 individual in urgent need of insulin within a 12 month period if such individual has applied  
77 for medical assistance, Georgia Medicaid, or PeachCare for Kids, and has not been  
78 determined eligible or has been determined eligible and coverage has not become effective.

79 (b) To access one additional 30 day supply of insulin, such eligible individual shall attest  
80 to the pharmacy that the individual meets the requirements of subsection (a) of this Code  
81 section and shall be in compliance with the requirements provided in Code  
82 Section 49-4-204.

83 49-4-204.

84 (a) To be deemed eligible for services under this article, an individual shall attest on an  
85 application form as provided for in subsection (b) of this Code section that the individual:

86 (1) Is a resident of this state;

87 (2) Is not enrolled in any medical assistance or other health coverage or prescription drug  
88 coverage program that limits such enrollee's total amount of cost-sharing for a 30 day  
89 supply of insulin, including copayments, deductibles, or coinsurance, to \$75.00 or less,  
90 regardless of the type or amount of insulin prescribed;

91 (3) Has not received insulin through the program within the previous 12 months, except  
92 as provided in Code Section 49-4-203; and

93 (4) Has an urgent need of insulin.

94 (b) The department shall develop and make available on its website an application form  
95 for the program.

96 49-4-205.

97 (a) The department, in coordination with the board, shall develop an information sheet that  
98 shall include, but shall not be limited to:

99 (1) A description of the program, including how to access it;

100 (2) Information on applying for medical assistance;

101 (3) Information on applying for a qualified health benefit plan offered through the  
102 exchange as defined in Code Section 33-23-201; and

103 (4) Information on accessing healthcare providers who participate in prescription drug  
104 discount programs, including providers who are authorized to participate in the 340B  
105 program under section 340B of the federal Public Health Service Act, 42 U.S.C.  
106 Section 256b, as amended.

107 (b) The department shall post the information sheet provided for in subsection (a) of this  
108 Code section on its website.

109 49-4-206.

110 (a) The department, in coordination with the board, shall develop a survey to assess an  
111 eligible individual's satisfaction with the program, including:

112 (1) Adequacy of information available and provided to individuals;

113 (2) Accessibility to insulin; and

114 (3) Individual's ability to access affordable insulin.

115 (b) The department, in coordination with the board, shall develop a survey to assess a  
116 pharmacy's satisfaction with the program, including:

117 (1) Timeliness of reimbursement from the manufacturers for insulin dispensed through  
118 the program;

119 (2) Ease in submitting claims and insulin product orders to the manufacturers; and

120 (3) Timeliness of receiving insulin replacement orders from the manufacturers.

121 (c) The department shall post the surveys provided for in subsections (a) and (b) of this  
122 Code section on its website.

123 49-4-207.

124 Each manufacturer shall:

125 (1) Establish procedures to make insulin available in accordance with this article through  
126 pharmacies to eligible individuals who are in urgent need of insulin;

127 (2) Establish a hotline to provide information on the program and shall list on its website  
128 information about the program; and

129 (3) Provide for dedicated personnel to promptly respond to individuals, pharmacies, and  
130 healthcare providers and the department.

131 49-4-208.

132 (a) Any person who by means of a false statement, failure to disclose information, or  
133 impersonation, or by other fraudulent device, obtains or attempts to obtain any assistance,  
134 benefit, or payment under this article to which such person is not entitled shall be guilty of  
135 a misdemeanor; provided, however, that if the value of the assistance so obtained exceeds  
136 \$1,500.00, such person shall be guilty of a felony.

137 (b)(1) If a manufacturer fails to comply with the provisions of this article, the department  
138 may assess an administrative penalty of \$200,000.00 per month of such noncompliance.

139 (2) Such penalty shall increase to \$400,000.00 per month if the manufacturer continues  
140 to be in noncompliance after six months and shall increase to \$600,000.00 per month if  
141 the manufacturer continues to be in noncompliance after one year.

142 (3) The penalty shall remain at \$600,000.00 per month for as long as the manufacturer  
143 continues in noncompliance.

144 (c) An individual or entity that is aggrieved by the action of the department pursuant to  
145 subsection (a) or (b) of this Code section shall be entitled to a hearing conducted in  
146 accordance with Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'

147 49-4-209.

148 (a) By February 15, 2024, and every February 15 thereafter, each manufacturer shall report  
149 to the department the following information for the preceding calendar year:

150 (1) The number of Georgia residents who accessed and received insulin through the  
151 program;

152 (2) The total value of the insulin, determined by the wholesale acquisition cost of the  
153 insulin, provided by the manufacturer for the program;

154 (3) The adequacy and timeliness of the manufacturer in responding to a pharmacy  
155 requesting reimbursement or resupply of insulin dispensed through the program;

156 (4) Any administrative penalties assessed under Code Section 49-4-208; and

157 (5) Any additional information deemed necessary by the department.

158 (b) By February 15, 2024, and every February 15 thereafter, a pharmacy that received any  
159 applications for the program shall report to the department the following information for  
160 the preceding calendar year:

161 (1) The number of applications for an urgent insulin supply received and the number of  
162 applications for additional urgent insulin supply received;

163 (2) The reasons for determinations of ineligibility;

164 (3) The amount of insulin dispensed through the program;

