

HOUSE BILL 970

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2lr2306
CF SB 787

By: **Delegate Kelly**

Introduced and read first time: February 10, 2022

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Managed Care Organizations and Health Insurance Carriers – Prior**
3 **Authorization for HIV Postexposure Prophylaxis for Victims of Sexual Offenses**
4 **– Prohibition**

5 FOR the purpose of prohibiting managed care organizations and certain insurers, nonprofit
6 health service plans, and health maintenance organizations from applying a prior
7 authorization requirement for prescription drugs used as postexposure prophylaxis
8 for the prevention of HIV if the drug is prescribed to a victim of an alleged rape or
9 sexual offense; and generally relating to prescription drugs used as postexposure
10 prophylaxis for the prevention of HIV infection and prior authorizations.

11 BY repealing and reenacting, without amendments,
12 Article – Health – General
13 Section 15–103(a)(1)
14 Annotated Code of Maryland
15 (2019 Replacement Volume and 2021 Supplement)

16 BY adding to
17 Article – Health – General
18 Section 15–103(b)(31)
19 Annotated Code of Maryland
20 (2019 Replacement Volume and 2021 Supplement)

21 BY adding to
22 Article – Insurance
23 Section 15–857
24 Annotated Code of Maryland
25 (2017 Replacement Volume and 2021 Supplement)

26 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
27 That the Laws of Maryland read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Health – General

15–103.

(a) (1) The Secretary shall administer the Maryland Medical Assistance Program.

(b) **(31) A MANAGED CARE ORGANIZATION MAY NOT APPLY A PRIOR AUTHORIZATION REQUIREMENT FOR A PRESCRIPTION DRUG USED AS POSTEXPOSURE PROPHYLAXIS FOR THE PREVENTION OF HIV IF THE PRESCRIPTION DRUG IS PRESCRIBED TO A VICTIM OF AN ALLEGED RAPE OR SEXUAL OFFENSE.**

Article – Insurance

15–857.

(A) (1) THIS SECTION APPLIES TO:

(I) INSURERS AND NONPROFIT HEALTH SERVICE PLANS THAT PROVIDE COVERAGE FOR PRESCRIPTION DRUGS UNDER INDIVIDUAL, GROUP, OR BLANKET HEALTH INSURANCE POLICIES OR CONTRACTS THAT ARE ISSUED OR DELIVERED IN THE STATE; AND

(II) HEALTH MAINTENANCE ORGANIZATIONS THAT PROVIDE COVERAGE FOR PRESCRIPTION DRUGS UNDER INDIVIDUAL OR GROUP CONTRACTS THAT ARE ISSUED OR DELIVERED IN THE STATE.

(2) AN INSURER, A NONPROFIT HEALTH SERVICE PLAN, OR A HEALTH MAINTENANCE ORGANIZATION THAT PROVIDES COVERAGE FOR PRESCRIPTION DRUGS THROUGH A PHARMACY BENEFITS MANAGER IS SUBJECT TO THE REQUIREMENTS OF THIS SECTION.

(B) AN ENTITY SUBJECT TO THIS SECTION MAY NOT APPLY A PRIOR AUTHORIZATION REQUIREMENT FOR A PRESCRIPTION DRUG USED AS POSTEXPOSURE PROPHYLAXIS FOR THE PREVENTION OF HIV IF THE PRESCRIPTION DRUG IS PRESCRIBED TO A VICTIM OF AN ALLEGED RAPE OR SEXUAL OFFENSE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to all policies, contracts, and health benefit plans issued, delivered, or renewed in the State on or after January 1, 2023.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect

1 January 1, 2023.