

## Chapter 684

**(House Bill 970)**

AN ACT concerning

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

FOR the purpose of prohibiting managed care organizations and certain insurers, nonprofit health service plans, and health maintenance organizations from applying a prior authorization requirement for prescription drugs used as postexposure prophylaxis for the prevention of HIV if the drug is prescribed ~~to a victim of an alleged rape or sexual offense~~ for use in accordance with Centers for Disease Control and Prevention guidelines; and generally relating to prescription drugs used as postexposure prophylaxis for the prevention of HIV infection and prior authorizations.

BY repealing and reenacting, without amendments,

Article – Health – General

Section 15–103(a)(1)

Annotated Code of Maryland

(2019 Replacement Volume and 2021 Supplement)

BY adding to

Article – Health – General

Section 15–103(b)(31)

Annotated Code of Maryland

(2019 Replacement Volume and 2021 Supplement)

BY adding to

Article – Insurance

Section 15–857

Annotated Code of Maryland

(2017 Replacement Volume and 2021 Supplement)

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

**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~~ FOR USE IN ACCORDANCE WITH CENTERS FOR DISEASE CONTROL AND PREVENTION GUIDELINES.**

**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~~ FOR USE IN ACCORDANCE WITH CENTERS FOR DISEASE CONTROL AND PREVENTION GUIDELINES.**

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 January 1, 2023.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 29, 2022.**