

SECOND REGULAR SESSION

# HOUSE BILL NO. 2159

## 101ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE POCHE.

4627H.011

DANA RADEMAN MILLER, Chief Clerk

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### AN ACT

To amend chapter 376, RSMo, by adding thereto two new sections relating to the cost of prescriptions.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Chapter 376, RSMo, is amended by adding thereto two new sections, to be known as sections 376.687 and 376.689, to read as follows:

**376.687. 1. As used in this section, the following terms mean:**

(1) "Epinephrine auto-injector", a prescribed single-use device used for the automatic injection of a premeasured dose of epinephrine into the human body;

(2) "Prescription insulin drug", a prescription drug that contains insulin and is used to control blood glucose levels to treat diabetes, but does not include an insulin drug that is administered to a patient intravenously.

2. This section applies to any group or individual policy of accident and health insurance amended, delivered, issued, or renewed on or after August 28, 2022.

3. (1) An insurer that provides coverage for prescription insulin drugs under the terms of a health coverage plan the insurer offers shall limit the total amount that an insured is required to pay for a thirty-day supply of covered prescription insulin drugs at an amount not to exceed one hundred dollars, regardless of the quantity or type of covered prescription insulin drug used to fill the insured's prescription.

(2) An insurer that provides coverage for epinephrine auto-injectors under the terms of a health coverage plan the insurer offers shall limit the total amount that an insured is required to pay for a thirty-day supply of covered epinephrine auto-injectors

EXPLANATION — Matter enclosed in bold-faced brackets ~~thus~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 at an amount not to exceed one hundred dollars, regardless of the quantity or type of  
18 covered epinephrine auto-injector used to fill the insured's prescription.

19 4. On January first of each year, the limit on the amount that an insured is  
20 required to pay for a thirty-day supply of a covered prescription insulin drug or  
21 epinephrine auto-injector shall increase by a percentage equal to the percentage change  
22 from the preceding year in the medical care component of the Consumer Price Index of  
23 the Bureau of Labor Statistics of the United States Department of Labor.

24 5. The director of the department of commerce and insurance may promulgate  
25 all necessary rules and regulations for the administration of this section. Any rule or  
26 portion of a rule, as that term is defined in section 536.010, that is created under the  
27 authority delegated in this section shall become effective only if it complies with and is  
28 subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This  
29 section and chapter 536 are nonseverable, and if any of the powers vested with the  
30 general assembly pursuant to chapter 536 to review, to delay the effective date, or to  
31 disapprove and annul a rule are subsequently held unconstitutional, then the grant of  
32 rulemaking authority and any rule proposed or adopted after August 28, 2022, shall be  
33 invalid and void.

376.689. 1. Before November 1, 2022, the department of commerce and  
2 insurance, in conjunction with the department of health and senior services and the  
3 department of social services, shall make available to the public a report that details  
4 each department's findings for the following:

5 (1) A summary of insulin pricing practices and epinephrine auto-injector pricing  
6 practices and variables that contribute to the pricing of health coverage plans;

7 (2) Public policy recommendations to control and prevent overpricing of  
8 prescription insulin drugs and epinephrine auto-injectors made available to Missouri  
9 consumers; and

10 (3) Any other information that the department of commerce and insurance finds  
11 necessary.

12 2. The provisions of this section terminate on January 1, 2023.

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