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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 67 Session of  
2021

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INTRODUCED BY MUTH, FONTANA, SANTARSIERO, STREET, KEARNEY,  
TARTAGLIONE, COLLETT, CAPPELLETTI, COSTA AND COMMITTA,  
MARCH 11, 2021

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REFERRED TO BANKING AND INSURANCE, MARCH 11, 2021

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AN ACT

1 Requiring health insurance policies to provide coverage for  
2 postexposure prophylaxis HIV medication.

3 The General Assembly of the Commonwealth of Pennsylvania  
4 hereby enacts as follows:

5 Section 1. Short title.

6 This act shall be known and may be cited as the PEP for  
7 Pennsylvania Act.

8 Section 2. Definitions.

9 The following words and phrases when used in this act shall  
10 have the meanings given to them in this section unless the  
11 context clearly indicates otherwise:

12 "Health insurance policy." An individual or group health  
13 insurance policy, contract or plan that provides medical or  
14 health care coverage by a health care facility or licensed  
15 health care provider on an expense-incurred service or prepaid  
16 basis that is offered by or is governed under any of the  
17 following:

1 (1) The act of May 17, 1921 (P.L.682, No.284), known as  
2 The Insurance Company Law of 1921.

3 (2) The act of December 29, 1972 (P.L.1701, No.364),  
4 known as the Health Maintenance Organization Act.

5 (3) The act of May 18, 1976 (P.L.123, No.54), known as  
6 the Individual Accident and Sickness Insurance Minimum  
7 Standards Act.

8 (4) A nonprofit corporation subject to 40 Pa.C.S. Ch. 61  
9 (relating to hospital plan corporations) or 63 (relating to  
10 professional health services plan corporations).

11 The term does not include accident only, fixed indemnity,  
12 limited benefit, credit, dental, vision, specified disease,  
13 Medicare supplement, Civilian Health and Medical Program of the  
14 Uniformed Services (CHAMPUS) supplement, long-term care or  
15 disability income, workers' compensation or automobile medical  
16 payment insurance.

17 "Postexposure prophylaxis HIV medication." A medication that  
18 is approved by the United States Food and Drug Administration  
19 that can be taken as a prophylaxis to prevent the transmission  
20 of the human immunodeficiency virus.

21 Section 3. Mandated coverage.

22 (a) General rule.--A health insurance policy that is  
23 delivered, issued for delivery, renewed, extended or modified in  
24 this Commonwealth on or after the effective date of this section  
25 shall provide coverage for the expenses of any postexposure  
26 prophylaxis HIV medication.

27 (b) Specialty tier.--Insurance providers may not move any  
28 postexposure prophylaxis HIV medication into a specialty tier  
29 solely for monetary gains.

30 (c) Counseling.--No health care plan may impose counseling

1 from an infectious disease specialist or immunologist in order  
2 to receive postexposure prophylaxis HIV medication unless  
3 medically necessary.

4 Section 4. Effective date.

5 This act shall take effect in 60 days.