

Senator Michael S. Kennedy proposes the following substitute bill:

HEALTH BENEFIT AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Michael S. Kennedy

House Sponsor: Steve Eliason

LONG TITLE

General Description:

This bill modifies provisions related to prescription drugs.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires the Department of Health and Human Services to create an insurance premium assistance program; and
- ▶ requires health benefit plans to create certain procedures related to prescription drugs.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

63I-1-226 (Superseded 07/01/24), as last amended by Laws of Utah 2023, Chapters 249, 269, 270, 275, 332, 335, 420, and 495 and repealed and reenacted by Laws of Utah 2023, Chapter 329



26 **63I-1-226 (Effective 07/01/24)**, as last amended by Laws of Utah 2023, Chapters 249,
27 269, 270, 275, 310, 332, 335, 420, and 495 and repealed and reenacted by Laws of
28 Utah 2023, Chapter 329 and last amended by Coordination Clause, Laws of Utah
29 2023, Chapters 329, 332

30 ENACTS:

31 **26B-4-326**, Utah Code Annotated 1953

32 **31A-22-660**, Utah Code Annotated 1953



34 *Be it enacted by the Legislature of the state of Utah:*

35 Section 1. Section **26B-4-326** is enacted to read:

36 **26B-4-326. Juvenile rheumatoid arthritis health insurance premium assistance**
37 **program.**

38 (1) As used in this section:

39 (a) "Access to an optimal drug" means coverage under a health benefit plan that:

40 (i) provides an optimal drug in the health benefit plan's preferred drug tier; and

41 (ii) does not require an individual to use another drug before covering the optimal drug
42 in the preferred drug tier.

43 (b) "Discounted premium" means the premium an individual must pay to obtain
44 coverage from a health benefit plan after any discounts or reductions, including federal
45 subsidies.

46 (c) "Eligible health benefit plan" means a health benefit plan that:

47 (i) is offered on the health insurance exchange, as defined in Section [31A-1-301](#);

48 (ii) does not have a deductible for the health benefit plan's pharmacy benefit; and

49 (iii) is a child only health benefit plan.

50 (d) "Health benefit plan" means the same as that term is defined in Section [31A-1-301](#).

51 (e) "Optimal drug" means a drug that:

52 (i) manages juvenile rheumatoid arthritis; and

53 (ii) increases the individual's quality of life as determined by the individual's health
54 care provider.

55 (f) "Premium assistance" means payment of 50% of a qualified child's discounted
56 premium by the department.

57 (g) "Qualified child" means an individual:

58 (i) who is under 18 years old;

59 (ii) whose household adjusted gross income is at or less than 300% of the federal
60 poverty level;

61 (iii) is a United States citizen;

62 (iv) is a Utah resident;

63 (v) has been diagnosed with juvenile rheumatoid arthritis; and

64 (vi) is not eligible for Medicaid or the Children's Health Insurance Program.

65 (2) (a) Subject to appropriation and Subsection (2)(b), the department shall create a
66 program to provide premium assistance to a qualified child.

67 (b) The department may not provide premium assistance to a qualified child if the
68 qualified child has access to an optimal drug through a health benefit plan provided by the
69 employer of the child's parent or guardian.

70 (3) An applicant for the premium assistance shall provide the department any
71 information the department deems necessary to determine whether a child qualifies for the
72 premium assistance.

73 (4) Each year, the department may not provide premium assistance to more than 150
74 qualified children.

75 (5) (a) The department shall provide the assistance directly to the eligible health benefit
76 plan.

77 (b) The department may provide the premium assistance in the form of a lump sum
78 payment.

79 (6) If a qualified child disenrolls from the eligible health benefit plan, the eligible
80 health benefit plan shall return any funds provided by the department for the months that the
81 qualified child was not enrolled in the eligible health benefit plan.

81a **Ĥ→ (7) If a qualified child has the option to enroll in one of several eligible health benefit**
81b **plans, the department shall, to the extent that is practicable, ensure that the number of**
81c **qualified children receiving assistance under this section are divided evenly among eligible**
81d **health benefit plans. ←Ĥ**

82 **Ĥ→ [(7)] (8) ←Ĥ** In accordance with Title 63G, Chapter 3, Utah Administrative
82a Rulemaking Act, the
83 department may make rules to implement this section.

84 Section 2. Section **31A-22-660** is enacted to read:

85 **31A-22-660. Health benefit plan procedures related to prescription drugs.**

86 (1) As used in this section, "long-term drug" means an enrollee's prescription drug
87 where the prescription has been active for at least 180 days with the health benefit plan.

88 (2) (a) Except as provided in Subsection (2)(b), before a health benefit plan requires an
89 enrollee to change from a prescribed long-term drug to another drug, the health benefit plan
90 shall:

91 (i) at least 30 days before the day on which the health benefit plan will require the
92 enrollee to change from the long-term drug to another drug, provide notice that the health
93 benefit plan will require the individual to change to another drug; and

94 (ii) provide a justification for the change upon request.

95 (b) Subsection (2)(a) does not apply if:

96 (i) the change requires the individual to try a generic or a biosimilar of the long-term
97 drug; or

98 (ii) the long-term drug is not on the health benefit plan's formulary.

99 (3) A health benefit plan shall provide an enrollee a justification as to why an enrollee
100 must try a certain drug before a health benefit plan will cover a different prescribed drug.

101 (4) This section does not apply to a drug that is provided under the health benefit plan's
102 medical benefit.

103 Section 3. Section **63I-1-226 (Superseded 07/01/24)** is amended to read:

104 **63I-1-226 (Superseded 07/01/24). Repeal dates: Titles 26A through 26B.**

105 (1) Subsection **26B-1-204(2)(i)**, related to the Primary Care Grant Committee, is
106 repealed July 1, 2025.

107 (2) Section **26B-1-315**, which creates the Medicaid Expansion Fund, is repealed July 1,
108 2024.

109 (3) Section **26B-1-319**, which creates the Neuro-Rehabilitation Fund, is repealed
110 January 1, 2025.

111 (4) Section **26B-1-320**, which creates the Pediatric Neuro-Rehabilitation Fund, is
112 repealed January 1, 2025.

113 (5) Subsection **26B-1-324(4)**, the language that states "the Behavioral Health Crisis
114 Response Commission, as defined in Section **63C-18-202**," is repealed December 31, 2026.

115 (6) Subsection **26B-1-329(6)**, related to the Behavioral Health Crisis Response
116 Commission, is repealed December 31, 2026.

117 (7) Section **26B-1-402**, related to the Rare Disease Advisory Council Grant Program, is
118 repealed July 1, 2026.

119 (8) Section 26B-1-409, which creates the Utah Digital Health Service Commission, is
120 repealed July 1, 2025.

121 (9) Section 26B-1-410, which creates the Primary Care Grant Committee, is repealed
122 July 1, 2025.

123 (10) Section 26B-1-416, which creates the Utah Children's Health Insurance Program
124 Advisory Council, is repealed July 1, 2025.

125 (11) Section 26B-1-417, which creates the Brain Injury Advisory Committee, is
126 repealed July 1, 2025.

127 (12) Section 26B-1-418, which creates the Neuro-Rehabilitation Fund and Pediatric
128 Neuro-Rehabilitation Fund Advisory Committee, is repealed January 1, 2025.

129 (13) Section 26B-1-422, which creates the Early Childhood Utah Advisory Council, is
130 repealed July 1, 2029.

131 (14) Section 26B-1-428, which creates the Youth Electronic Cigarette, Marijuana, and
132 Other Drug Prevention Program, is repealed July 1, 2025.

133 (15) Section 26B-1-430, which creates the Coordinating Council for Persons with
134 Disabilities, is repealed July 1, 2027.

135 (16) Section 26B-1-431, which creates the Forensic Mental Health Coordinating
136 Council, is repealed July 1, 2023.

137 (17) Section 26B-1-432, which creates the Newborn Hearing Screening Committee, is
138 repealed July 1, 2026.

139 (18) Section 26B-1-434, regarding the Correctional Postnatal and Early Childhood
140 Advisory Board, is repealed July 1, 2026.

141 (19) Section 26B-2-407, related to drinking water quality in child care centers, is
142 repealed July 1, 2027.

143 (20) Subsection 26B-3-107(9), which addresses reimbursement for dental hygienists, is
144 repealed July 1, 2028.

145 (21) Section 26B-3-136, which creates the Children's Health Care Coverage Program,
146 is repealed July 1, 2025.

147 (22) Section 26B-3-137, related to reimbursement for the National Diabetes Prevention
148 Program, is repealed June 30, 2027.

149 (23) Subsection 26B-3-213(2), the language that states "and the Behavioral Health

150 Crisis Response Commission created in Section [63C-18-202](#)" is repealed December 31, 2026.

151 (24) Sections [26B-3-302](#) through [26B-3-309](#), regarding the Drug Utilization Review
152 Board, are repealed July 1, 2027.

153 (25) Title 26B, Chapter 3, Part 5, Inpatient Hospital Assessment, is repealed July 1,
154 2024.

155 (26) Title 26B, Chapter 3, Part 6, Medicaid Expansion Hospital Assessment, is
156 repealed July 1, 2024.

157 (27) Title 26B, Chapter 3, Part 7, Hospital Provider Assessment, is repealed July 1,
158 2028.

159 (28) Section [26B-3-910](#), regarding alternative eligibility, is repealed July 1, 2028.

160 (29) Section [26B-4-136](#), related to the Volunteer Emergency Medical Service
161 Personnel Health Insurance Program, is repealed July 1, 2027.

162 (30) Section [26B-4-326](#) is repealed July 1, 2027.

163 [~~30~~] (31) Section [26B-4-710](#), related to rural residency training programs, is repealed
164 July 1, 2025.

165 [~~31~~] (32) Subsections [26B-5-112](#)(1) and (5), the language that states "In consultation
166 with the Behavioral Health Crisis Response Commission, established in Section [63C-18-202](#),"
167 is repealed December 31, 2026.

168 [~~32~~] (33) Section [26B-5-112.5](#) is repealed December 31, 2026.

169 [~~33~~] (34) Section [26B-5-114](#), related to the Behavioral Health Receiving Center
170 Grant Program, is repealed December 31, 2026.

171 [~~34~~] (35) Section [26B-5-118](#), related to collaborative care grant programs, is repealed
172 December 31, 2024.

173 [~~35~~] (36) Section [26B-5-120](#) is repealed December 31, 2026.

174 [~~36~~] (37) In relation to the Utah Assertive Community Treatment Act, on July 1,
175 2024:

176 (a) Subsection [26B-5-606](#)(2)(a)(i), the language that states "and" is repealed; and

177 (b) Subsections [26B-5-606](#)(2)(a)(ii), [26B-5-606](#)(2)(b), and [26B-5-606](#)(2)(c) are
178 repealed.

179 [~~37~~] (38) In relation to the Behavioral Health Crisis Response Commission, on
180 December 31, 2026:

- 181 (a) Subsection 26B-5-609(1)(a) is repealed;
- 182 (b) Subsection 26B-5-609(3)(a), the language that states "With recommendations from
183 the commission," is repealed;
- 184 (c) Subsection 26B-5-610(1)(b) is repealed;
- 185 (d) Subsection 26B-5-610(2)(b), the language that states "and in consultation with the
186 commission," is repealed; and
- 187 (e) Subsection 26B-5-610(4), the language that states "In consultation with the
188 commission," is repealed.

189 [~~38~~] (39) Subsections 26B-5-611(1)(a) and (10), in relation to the Utah Substance
190 Use and Mental Health Advisory Council, are repealed January 1, 2033.

191 [~~39~~] (40) Section 26B-5-612, related to integrated behavioral health care grant
192 programs, is repealed December 31, 2025.

193 [~~40~~] (41) Subsection 26B-7-119(5), related to reports to the Legislature on the
194 outcomes of the Hepatitis C Outreach Pilot Program, is repealed July 1, 2028.

195 [~~41~~] (42) Section 26B-7-224, related to reports to the Legislature on violent incidents
196 and fatalities involving substance abuse, is repealed December 31, 2027.

197 [~~42~~] (43) Title 26B, Chapter 8, Part 5, Utah Health Data Authority, is repealed July 1,
198 2024.

199 [~~43~~] (44) Section 26B-8-513, related to identifying overuse of non-evidence-based
200 health care, is repealed December 31, 2023.

201 Section 4. Section 63I-1-226 (Effective 07/01/24) is amended to read:

202 **63I-1-226 (Effective 07/01/24). Repeal dates: Titles 26A through 26B.**

203 (1) Subsection 26B-1-204(2)(i), related to the Primary Care Grant Committee, is
204 repealed July 1, 2025.

205 (2) Section 26B-1-315, which creates the Medicaid Expansion Fund, is repealed July 1,
206 2024.

207 (3) Section 26B-1-319, which creates the Neuro-Rehabilitation Fund, is repealed
208 January 1, 2025.

209 (4) Section 26B-1-320, which creates the Pediatric Neuro-Rehabilitation Fund, is
210 repealed January 1, 2025.

211 (5) Subsection 26B-1-324(4), the language that states "the Behavioral Health Crisis

212 Response Commission, as defined in Section 63C-18-202," is repealed December 31, 2026.

213 (6) Subsection 26B-1-329(6), related to the Behavioral Health Crisis Response
214 Commission, is repealed December 31, 2026.

215 (7) Section 26B-1-402, related to the Rare Disease Advisory Council Grant Program, is
216 repealed July 1, 2026.

217 (8) Section 26B-1-409, which creates the Utah Digital Health Service Commission, is
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222 Advisory Council, is repealed July 1, 2025.

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227 (13) Section 26B-1-422, which creates the Early Childhood Utah Advisory Council, is
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229 (14) Section 26B-1-428, which creates the Youth Electronic Cigarette, Marijuana, and
230 Other Drug Prevention Program, is repealed July 1, 2025.

231 (15) Section 26B-1-430, which creates the Coordinating Council for Persons with
232 Disabilities, is repealed July 1, 2027.

233 (16) Section 26B-1-431, which creates the Forensic Mental Health Coordinating
234 Council, is repealed July 1, 2023.

235 (17) Section 26B-1-432, which creates the Newborn Hearing Screening Committee, is
236 repealed July 1, 2026.

237 (18) Section 26B-1-434, regarding the Correctional Postnatal and Early Childhood
238 Advisory Board, is repealed July 1, 2026.

239 (19) Section 26B-2-407, related to drinking water quality in child care centers, is
240 repealed July 1, 2027.

241 (20) Subsection 26B-3-107(9), which addresses reimbursement for dental hygienists, is
242 repealed July 1, 2028.

243 (21) Section 26B-3-136, which creates the Children's Health Care Coverage Program,
244 is repealed July 1, 2025.

245 (22) Section 26B-3-137, related to reimbursement for the National Diabetes Prevention
246 Program, is repealed June 30, 2027.

247 (23) Subsection 26B-3-213(2), the language that states "and the Behavioral Health
248 Crisis Response Commission created in Section 63C-18-202" is repealed December 31, 2026.

249 (24) Sections 26B-3-302 through 26B-3-309, regarding the Drug Utilization Review
250 Board, are repealed July 1, 2027.

251 (25) Title 26B, Chapter 3, Part 5, Inpatient Hospital Assessment, is repealed July 1,
252 2024.

253 (26) Title 26B, Chapter 3, Part 6, Medicaid Expansion Hospital Assessment, is
254 repealed July 1, 2024.

255 (27) Title 26B, Chapter 3, Part 7, Hospital Provider Assessment, is repealed July 1,
256 2028.

257 (28) Section 26B-3-910, regarding alternative eligibility, is repealed July 1, 2028.

258 (29) Section 26B-4-326 is repealed July 1, 2027.

259 ~~(29)~~ (30) Section 26B-4-710, related to rural residency training programs, is repealed
260 July 1, 2025.

261 ~~(30)~~ (31) Subsections 26B-5-112(1) and (5), the language that states "In consultation
262 with the Behavioral Health Crisis Response Commission, established in Section 63C-18-202,"
263 is repealed December 31, 2026.

264 ~~(31)~~ (32) Section 26B-5-112.5 is repealed December 31, 2026.

265 ~~(32)~~ (33) Section 26B-5-114, related to the Behavioral Health Receiving Center
266 Grant Program, is repealed December 31, 2026.

267 ~~(33)~~ (34) Section 26B-5-118, related to collaborative care grant programs, is repealed
268 December 31, 2024.

269 ~~(34)~~ (35) Section 26B-5-120 is repealed December 31, 2026.

270 ~~(35)~~ (36) In relation to the Utah Assertive Community Treatment Act, on July 1,
271 2024:

272 (a) Subsection 26B-5-606(2)(a)(i), the language that states "and" is repealed; and

273 (b) Subsections 26B-5-606(2)(a)(ii), 26B-5-606(2)(b), and 26B-5-606(2)(c) are

274 repealed.

275 ~~[(36)]~~ (37) In relation to the Behavioral Health Crisis Response Commission, on
276 December 31, 2026:

277 (a) Subsection 26B-5-609(1)(a) is repealed;

278 (b) Subsection 26B-5-609(3)(a), the language that states "With recommendations from
279 the commission," is repealed;

280 (c) Subsection 26B-5-610(1)(b) is repealed;

281 (d) Subsection 26B-5-610(2)(b), the language that states "and in consultation with the
282 commission," is repealed; and

283 (e) Subsection 26B-5-610(4), the language that states "In consultation with the
284 commission," is repealed.

285 ~~[(37)]~~ (38) Subsections 26B-5-611(1)(a) and (10), in relation to the Utah Substance
286 Use and Mental Health Advisory Council, are repealed January 1, 2033.

287 ~~[(38)]~~ (39) Section 26B-5-612, related to integrated behavioral health care grant
288 programs, is repealed December 31, 2025.

289 ~~[(39)]~~ (40) Subsection 26B-7-119(5), related to reports to the Legislature on the
290 outcomes of the Hepatitis C Outreach Pilot Program, is repealed July 1, 2028.

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292 and fatalities involving substance abuse, is repealed December 31, 2027.

293 ~~[(41)]~~ (42) Title 26B, Chapter 8, Part 5, Utah Health Data Authority, is repealed July 1,
294 2024.

295 ~~[(42)]~~ (43) Section 26B-8-513, related to identifying overuse of non-evidence-based
296 health care, is repealed December 31, 2023.

297 Section 5. **Effective date.**

298 (1) Except as provided in Subsection (2), this bill takes effect on May 1, 2024.

299 (2) The actions affecting Section 63I-1-226 (Effective 07/01/24) take effect on July 1,
300 2024.