

PRESCRIPTION DRUG IMPORTATION AMENDMENTS

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Daniel Hemmert

House Sponsor: Norman K. Thurston

LONG TITLE

General Description:

This bill creates a program and reporting requirements relating to the importation of prescription drugs.

Highlighted Provisions:

This bill:

- ▶ requires the Department of Health to submit a request to the United States Department of Health and Human Services for a prescription drug importation program;
- ▶ if the request for a prescription drug importation program is approved, requires the Public Employees' Benefit and Insurance Program to operate a two-year pilot prescription drug importation program for the state's health insurance risk pool;
- ▶ creates various reporting requirements; and
- ▶ creates a sunset date for the provisions in this bill.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

63I-1-226, as last amended by Laws of Utah 2019, Chapters 67, 136, 246, 289, 455 and



28 last amended by Coordination Clause, Laws of Utah 2019, Chapter 246

29 [63I-1-249](#), as last amended by Laws of Utah 2018, Chapter 357

30 ENACTS:

31 [26-1-41](#), Utah Code Annotated 1953

32 [49-20-420](#), Utah Code Annotated 1953



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

35 Section 1. Section **26-1-41** is enacted to read:

36 **26-1-41. Prescription drug importation program -- Request -- Resubmission --**
37 **Reporting.**

38 (1) On or before October 1, 2020, the department shall submit a request to the secretary
39 of the United States Department of Health and Human Services to:

40 (a) certify to the United States Congress under 21 U.S.C. Sec. 384(l) that a wholesale
41 importation program can be implemented in the state in a manner that:

42 (i) operates as a two-year pilot program for approximately 75,000 Utah public
43 employees and dependents who make up the state's health insurance risk pool created in
44 Subsection [49-20-201](#)(1)(a);

45 (ii) poses no additional risk to the public's health and safety; and

46 (iii) results in a significant reduction in the cost of covered prescription drugs and
47 prescription devices to the state and participating public employees; and

48 (b) review information in the department's request to determine whether the request
49 meets the requirements in 21 U.S.C. Sec. 384(l).

50 (2) The request described in Subsection (1) shall include:

51 (a) the findings of any prescription drug importation study that is available to the
52 department;

53 (b) a description of how the Utah prescription drug importation program will be
54 designed by the department, in collaboration with the Public Employees' Benefit and Insurance
55 Program, to:

56 (i) operate as a two-year pilot program for the state health insurance risk pool created
57 in Subsection [49-20-204](#)(1)(a);

58 (ii) comply with existing state and federal law; and

- 59 (iii) ensure no additional risk to the public's health and safety; and
60 (c) an estimate of the reduction in cost of:
61 (i) covered prescription drugs and prescription devices; and
62 (ii) health insurance premiums.
63 (3) If the department does not believe that the department will be able to submit the
64 request described in Subsection (1) on or before October 1, 2020, the department shall report to
65 the Health and Human Services Interim Committee before October 1, 2020, on:
66 (a) the reason for the delay in submitting the request;
67 (b) any steps that the department has taken to prepare the request; and
68 (c) when the department believes that the request will be ready for submission.
69 (4) If the request described in Subsection (1) to operate a prescription drug importation
70 program is not approved by the secretary of the United States Department of Health and
71 Human Services, the department shall submit a new request with the information described in
72 Subsections (1) and (2) on or before October 1 of each year until the earlier of:
73 (a) approval of the request to operate a prescription drug importation program; and
74 (b) October 1, 2024.
75 (5) On or before December 1 of each year that the department submits a request under
76 Subsection (1) or (4), the department shall submit a written report to the Health and Human
77 Services Interim Committee regarding the results of the request and any updated findings and
78 recommendations regarding the implementation of a prescription drug importation program.
79 (6) The department shall seek grant funding to prepare a request under this section.
80 Section 2. Section **49-20-420** is enacted to read:
81 **49-20-420. Prescription drug importation program -- Reporting.**
82 (1) The program shall collaborate with the Department of Health to develop a request
83 under Section [26-1-41](#) for the program to operate a prescription drug importation program.
84 (2) If the request under Section [26-1-41](#) to operate a prescription drug importation
85 program is approved, the program shall:
86 (a) implement a prescription drug importation program that:
87 (i) operates as a two-year pilot program for approximately 75,000 Utah public
88 employees and dependents who make up the state's health insurance risk pool created in
89 Subsection [49-20-201](#)(1)(a);

90 (ii) poses no additional risk to the public's health and safety;
91 (iii) results in a significant reduction in the cost of covered prescription drugs and
92 prescription devices to the state and participating public employees; and
93 (iv) complies with existing state and federal law; and
94 (b) on or before December 1 of each year after the request to operate a prescription
95 drug importation program is granted, submit a written report to the Health and Human Services
96 Interim Committee regarding the results of the pilot program and any updated findings and
97 recommendations for expanding access to the prescription drug importation program
98 throughout the state.

99 Section 3. Section **63I-1-226** is amended to read:

100 **63I-1-226. Repeal dates, Title 26.**

101 (1) Section **26-1-40** is repealed July 1, 2022.

102 (2) Section **26-1-41** is repealed January 1, 2025.

103 ~~[(2)]~~ (3) Title 26, Chapter 9f, Utah Digital Health Service Commission Act, is repealed
104 July 1, 2025.

105 ~~[(3)]~~ (4) Section **26-10-11** is repealed July 1, 2020.

106 ~~[(4)]~~ (5) Subsection **26-18-417(3)** is repealed July 1, 2020.

107 ~~[(5)]~~ (6) Subsection **26-18-418(2)**, the language that states "and the Mental Health
108 Crisis Line Commission created in Section **63C-18-202**" is repealed July 1, 2023.

109 ~~[(6) Section **26-18-419.1** is repealed December 31, 2019:]~~

110 (7) Title 26, Chapter 33a, Utah Health Data Authority Act, is repealed July 1, 2024.

111 (8) Title 26, Chapter 36b, Inpatient Hospital Assessment Act, is repealed July 1, 2024.

112 (9) Title 26, Chapter 36c, Medicaid Expansion Hospital Assessment Act, is repealed
113 July 1, 2024.

114 (10) Title 26, Chapter 36d, Hospital Provider Assessment Act, is repealed July 1, 2024.

115 (11) Title 26, Chapter 54, Spinal Cord and Brain Injury Rehabilitation Fund and
116 Pediatric Neuro-Rehabilitation Fund, is repealed January 1, 2023.

117 (12) Subsection **26-61a-108(2)(e)(i)**, related to the Native American Legislative
118 Liaison Committee, is repealed July 1, 2022.

119 (13) Title 26, Chapter 63, Nurse Home Visiting Pay-for-Success Program, is repealed
120 July 1, 2026.

- 121 Section 4. Section **63I-1-249** is amended to read:
- 122 **63I-1-249. Repeal dates, Title 49.**
- 123 (1) Title 49, Chapter 11, Part 13, Phased Retirement, is repealed January 1, 2022.
- 124 (2) Section [49-20-418](#) is repealed January 1, 2022.
- 125 (3) Section [49-20-420](#) is repealed January 1, 2025.