

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1873 Session of 2019

INTRODUCED BY McNEILL, ZABEL, HANBIDGE, MADDEN, DONATUCCI, A. DAVIS, SCHLOSSBERG, T. DAVIS, ISAACSON, HILL-EVANS, McCLINTON, RAVENSTAHL, KENYATTA, CALTAGIRONE, SHUSTERMAN, MILLARD, BURGOS, HOWARD, FREEMAN, DeLUCA, OTTEN, MALAGARI, PASHINSKI, YOUNGBLOOD, FRANKEL, JOHNSON-HARRELL, SCHWEYER, CIRESI, KIRKLAND, RABB, SAPPEY, HARKINS, ULLMAN, STURLA, WARREN, OBERLANDER, MULLINS, HOHENSTEIN, KORTZ, NEILSON, LEE AND DELLOSO, SEPTEMBER 25, 2019

REFERRED TO COMMITTEE ON INSURANCE, SEPTEMBER 25, 2019

AN ACT

1 Amending the act of May 17, 1921 (P.L.682, No.284), entitled "An
 2 act relating to insurance; amending, revising, and
 3 consolidating the law providing for the incorporation of
 4 insurance companies, and the regulation, supervision, and
 5 protection of home and foreign insurance companies, Lloyds
 6 associations, reciprocal and inter-insurance exchanges, and
 7 fire insurance rating bureaus, and the regulation and
 8 supervision of insurance carried by such companies,
 9 associations, and exchanges, including insurance carried by
 10 the State Workmen's Insurance Fund; providing penalties; and
 11 repealing existing laws," in casualty insurance, providing
 12 for insulin coverage.

13 The General Assembly of the Commonwealth of Pennsylvania
 14 hereby enacts as follows:

15 Section 1. The act of May 17, 1921 (P.L.682, No.284), known
 16 as The Insurance Company Law of 1921, is amended by adding a
 17 section to read:

18 Section 635.8. Coverage for Insulin.--(a) A health
 19 insurance policy providing prescription coverage of insulin may
 20 not impose on a covered individual a copayment, coinsurance or

1 deductible of more than one hundred dollars (\$100) per thirty-
2 day supply of insulin, regardless of the amount or type of
3 insulin needed to fill the covered individual's prescription.

4 (b) Nothing in this section shall prevent a health insurance
5 policy from offering a lesser monthly price for a per thirty-day
6 supply of insulin than the price provided under subsection (a).

7 (c) The Insurance Department may promulgate regulations as
8 necessary to implement and enforce the maximum price established
9 under this section.

10 (d) This section shall not apply to the following types of
11 policies:

12 (1) Accident only.

13 (2) Fixed indemnity.

14 (3) Limited benefit.

15 (4) Credit.

16 (5) Dental.

17 (6) Vision.

18 (7) Specified disease.

19 (8) Medicare supplement.

20 (9) CHAMPUS (Civilian Health and Medical Program for the
21 Uniform Services) supplement.

22 (10) Long-term care or disability income.

23 (11) Workers' compensation.

24 (12) Automobile medical payment.

25 (e) The Attorney General shall investigate pricing of
26 prescription insulin drugs to ensure that adequate pricing is
27 achieved and to determine if additional consumer protections are
28 necessary. As part of this investigation, the Attorney General
29 shall gather, compile and analyze information concerning
30 business practices, pricing, data and other information

1 regarding insulin prescription drug manufacturers' roles in the
2 current prices of insulin prescription drugs.

3 (f) The Attorney General shall submit the findings of the
4 investigation under subsection (e) in a report to the General
5 Assembly, which shall be made accessible to the public no later
6 than one year after the effective date of this section. The
7 report shall include, but not be limited to:

8 (1) A summary of insulin pricing practices and factors that
9 contribute to the pricing of health insurance plans.

10 (2) Public policy recommendations to control and prevent
11 overpricing of prescription insulin drugs made available to
12 consumers in this Commonwealth.

13 (3) Any other information the Attorney General finds
14 necessary to complete the report.

15 Section 2. This act shall take effect in 60 days.