
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 541 Session of
2023

INTRODUCED BY MUTH, HAYWOOD, COLLETT, HUGHES, FONTANA, BREWSTER,
TARTAGLIONE, KEARNEY, SAVAL, STREET, CAPPELLETTI AND
SANTARSIERO, MARCH 28, 2023

REFERRED TO BANKING AND INSURANCE, MARCH 28, 2023

AN ACT

1 Requiring health insurance policies to provide coverage for
2 preexposure 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 PrEP 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 "Insurance provider." An entity that issues a health
18 insurance policy.

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

23 Section 3. Mandated coverage.

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

29 (b) Specialty tier.--An insurance provider may not move a
30 preexposure prophylaxis HIV medication into a specialty tier

1 solely for monetary gains.

2 (c) Counseling.--A health insurance policy may not impose
3 counseling from an infectious disease specialist or immunologist
4 in order to receive preexposure prophylaxis HIV medication
5 unless medically necessary.

6 Section 4. Effective date.

7 This act shall take effect in 60 days.