
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 542 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 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."

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

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

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

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

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

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

19 "Postexposure 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 any postexposure
28 prophylaxis HIV medication.

29 (b) Specialty tier.--Insurance providers may not move any
30 postexposure prophylaxis HIV medication into a specialty tier

1 solely for monetary gains.

2 (c) Counseling.--No health care plan may impose counseling
3 from an infectious disease specialist or immunologist in order
4 to receive postexposure prophylaxis HIV medication unless
5 medically necessary.

6 Section 4. Effective date.

7 This act shall take effect in 60 days.