

1 **EPINEPHRINE AUTO-INJECTOR ACCESS AMENDMENTS**

2 2021 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Suzanne Harrison**

5 Senate Sponsor: Michael S. Kennedy

7 **LONG TITLE**

8 **General Description:**

9 This bill creates a mechanism to increase Utahns' access to epinephrine auto-injectors.

10 **Highlighted Provisions:**

11 This bill:

12 ▶ directs the Public Employees' Benefit and Insurance Program to expand the discount
13 program to allow participants to purchase epinephrine auto-injectors at a discounted
14 price;

15 ▶ modifies the circumstances under which the Public Employees' Benefit and
16 Insurance Program offers the discount program; and

17 ▶ permits a health benefit plan that provides coverage for epinephrine auto-injectors
18 to not reimburse a participant who purchased an epinephrine auto-injector through
19 the discount program.

20 **Money Appropriated in this Bill:**

21 None

22 **Other Special Clauses:**

23 This bill provides a special effective date.

24 **Utah Code Sections Affected:**

25 AMENDS:

26 **49-20-421**, as enacted by Laws of Utah 2020, Chapter 310

27 ENACTS:

28 **31A-22-656**, Utah Code Annotated 1953

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

31 Section 1. Section **31A-22-656** is enacted to read:

32 **31A-22-656. Coverage of epinephrine auto-injector.**

33 A health benefit plan entered into or renewed on or after July 1, 2021, that provides
34 coverage of an epinephrine auto-injector is not required to reimburse a participant, as that term
35 is defined in Section [49-20-421](#), for an epinephrine auto-injector the participant obtains
36 through the discount program described in Section [49-20-421](#).

37 Section 2. Section **49-20-421** is amended to read:

38 **49-20-421. Prescription discount program.**

39 (1) As used in this section:

40 (a) "Diabetes" means:

- 41 (i) complete insulin deficiency or type 1 diabetes;
- 42 (ii) insulin resistant with partial insulin deficiency or type 2 diabetes; or
- 43 (iii) elevated blood glucose levels induced by pregnancy or gestational diabetes.

44 (b) "Discount program" means a process developed by the program that allows
45 participants to purchase [~~insulin~~] a qualified prescription at a discounted, post-rebate rate.

46 (c) "Epinephrine auto-injector" means the same as that term is defined in Section
47 [26-41-102](#).

48 [~~(c)~~] (d) "Individual with diabetes" means an individual who has been diagnosed with
49 diabetes and who uses insulin to treat diabetes.

50 [~~(d)~~] (e) "Insulin" means a prescription drug that contains insulin.

51 [~~(e)~~] (f) "Participant" means a resident of Utah who:

52 [~~(i) uses insulin to treat diabetes;~~]

- 53 (i) has a qualified condition;
- 54 (ii) does not receive health coverage under the program; and
- 55 (iii) enrolls in the discount program.

56 [~~(f)~~] (g) "Prescription drug" means the same as that term is defined in Section
57 [58-17b-102](#).

58 (h) "Qualified condition" means the individual:

59 (i) uses insulin to treat diabetes; or

60 (ii) has a prescription or a standing prescription drug order for an epinephrine

61 auto-injector issued under Section 58-17b-1005.

62 (i) "Qualified prescription" means:

63 (i) insulin; or

64 (ii) epinephrine auto-injector.

65 ~~[(g)]~~ (j) "Rebate" means the same as that term is defined in Section 31A-46-102.

66 (2) Notwithstanding Subsection 49-20-201(1), and for the purpose of the ~~[insulin]~~
67 discount program only, the program shall offer ~~[an insulin]~~ a discount program that allows
68 participants to purchase ~~[insulin]~~ a qualified prescription at a discounted, post-rebate price
69 when a rebate is available.

70 (3) The discount program described in Subsection (2) shall:

71 (a) provide a participant with a card or electronic document that identifies the
72 participant as eligible for the discount on a qualified prescription related to the participant's
73 qualified condition;

74 (b) provide a participant with information about pharmacies that will honor the
75 discount;

76 (c) allow a participant to purchase ~~[insulin]~~ a qualified prescription at a discounted,
77 post-rebate price; and

78 (d) provide a participant with instructions to pursue a reimbursement of the purchase
79 price from the participant's health insurer.

80 (4) The discount program shall charge a price for ~~[insulin]~~ a qualified prescription that
81 allows the program to retain only enough of any rebate for the ~~[insulin]~~ qualified prescription
82 to make the state risk pool whole for providing a discounted [insulin] qualified prescription to
83 participants.

84 Section 3. **Effective date.**

85 This bill takes effect on July 1, 2021.

