



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-5646/1
JPC:wlj

2023 SENATE BILL 935

January 19, 2024 - Introduced by Senators HESSELBEIN, SPREITZER, AGARD, LARSON, PFAFF, ROYS, SMITH, TAYLOR and WIRCH, cosponsored by Representatives SUBECK, SHANKLAND, C. ANDERSON, J. ANDERSON, CONLEY, CONSIDINE, DRAKE, EMERSON, JOERS, NEUBAUER, PALMERI, RATCLIFF, SINICKI and STUBBS. Referred to Committee on Insurance and Small Business.

AUTHORS SUBJECT TO CHANGE

1 **AN ACT** *to amend* 609.83; and *to create* 632.895 (12r) of the statutes; **relating**
2 **to:** cost-sharing cap on epinephrine auto-injectors under health insurance
3 policies and plans.

Analysis by the Legislative Reference Bureau

This bill prevents every health insurance policy and every self-insured governmental health plan that covers medically necessary epinephrine auto-injectors from imposing cost sharing in an amount that exceeds \$60 for a twin-pack of epinephrine auto-injectors, regardless of the type of epinephrine auto-injector. Health insurance policies are referred to in the bill as disability insurance policies.

This proposal may contain a health insurance mandate requiring a social and financial impact report under s. 601.423, stats.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

4 **SECTION 1.** 609.83 of the statutes is amended to read:
5 **609.83 Coverage of drugs and devices.** Limited service health
6 organizations, preferred provider plans, and defined network plans are subject to ss.
7 632.853, 632.861, and 632.895 (12r), (16t), and (16v).

SENATE BILL 935**SECTION 2**

1 **SECTION 2.** 632.895 (12r) of the statutes is created to read:

2 632.895 (12r) EPINEPHRINE AUTO-INJECTORS. (a) In this subsection,
3 “epinephrine auto-injector” means a device used for the automatic injection of
4 epinephrine into the human body to prevent or treat a life-threatening allergic
5 reaction.

6 (b) Every disability insurance policy, and every self-insured health plan of the
7 state or a county, city, village, town, or school district, that provides coverage of
8 medically necessary epinephrine auto-injectors may not impose cost sharing on
9 epinephrine auto-injectors in an amount that exceeds \$60 for a twin-pack of
10 medically necessary epinephrine auto-injectors, regardless of the type of
11 epinephrine auto-injector.

12 (c) Nothing in this subsection prohibits a disability insurance policy or
13 self-insured health plan from imposing cost sharing on epinephrine auto-injectors
14 in an amount less than the amount specified under par. (b). Nothing in this
15 paragraph requires a disability insurance policy or self-insured health plan to
16 impose any cost sharing on epinephrine auto-injectors.

17 **SECTION 3. Initial applicability.**

18 (1) EPINEPHRINE AUTO-INJECTORS.

19 (a) For policies and plans containing provisions inconsistent with s. 632.895
20 (12r), the treatment of s. 632.895 (12r) first applies to policy or plan years beginning
21 on January 1 of the year following the year in which this paragraph takes effect,
22 except as provided in par. (b).

23 (b) For policies and plans that are affected by a collective bargaining agreement
24 containing provisions inconsistent with s. 632.895 (12r), the treatment of s. 632.895
25 (12r) first applies to policy or plan years beginning on the effective date of this

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1 paragraph or on the day on which the collective bargaining agreement is newly
2 established, extended, modified, or renewed, whichever is later.

3 **SECTION 4. Effective date.**

4 (1) This act takes effect on the first day of the 4th month beginning after
5 publication.

6 (END)