

HOUSE BILL NO. 5340

November 14, 2023, Introduced by Reps. McFall, Arbit, McKinney, Morgan, Price, Rheingans, Hope, Hood, Edwards, Weiss, Brixie, Tsernoglou, Stone, Aiyash, Hoskins, Brenda Carter, Witwer, Glanville, Wegela, Martus, Paiz, Dievendorf, Andrews, Brabec, Coffia, Rogers, Young, Liberati, Snyder, Hill and Whitsett and referred to the Committee on Insurance and Financial Services.

A bill to amend 1956 PA 218, entitled
"The insurance code of 1956,"
(MCL 500.100 to 500.8302) by adding section 3406dd.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **Sec. 3406dd. (1) An insurer that delivers, issues for**
2 **delivery, or renews in this state a health insurance policy that**
3 **provides coverage for prescription drugs shall provide coverage,**
4 **without cost sharing, for United States Food and Drug**
5 **Administration-approved products for pre-exposure prophylaxis with**
6 **effective antiretroviral therapy for the reduction of risk of HIV**

1 infection, including any clinical services necessary for the
2 individual to receive the prescription, such as an HIV test, a
3 physician office visit, or counseling by a pharmacist.

4 (2) An insurer described in subsection (1) shall not exclude
5 or limit coverage for pre-exposure prophylaxis when dispensed or
6 administered by pharmacy personnel. As used in this subsection,
7 "pharmacy personnel" includes a pharmacist, as well as a pharmacy
8 intern or pharmacy technician acting under pharmacist supervision
9 in accordance with applicable law.

10 (3) This section does not require an insurer described in
11 subsection (1) to add coverage for pre-exposure prophylaxis or
12 related services furnished by an out-of-network provider.

13 (4) This section does not require an insurer described in
14 subsection (1) to cover all of the therapeutically equivalent
15 versions without prior authorization or step therapy, if at least 1
16 therapeutically equivalent version is covered without prior
17 authorization or step therapy.

18 (5) An insurer described in subsection (1) shall not subject
19 pre-exposure prophylaxis to prior authorization or step therapy
20 unless the United States Food and Drug Administration has approved
21 1 or more therapeutic equivalents of a drug, device, or product for
22 the prevention of HIV.

23 (6) As used in this section:

24 (a) "Cost sharing" means an enrollee's individual financial
25 responsibility associated with receiving specific services,
26 including copayments, coinsurance, and the application of a
27 deductible. Cost sharing does not include the payment of a premium.

28 (b) "HIV" means the human immunodeficiency virus.