

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2878 Session of 2022

INTRODUCED BY McNEILL, ZABEL, MILLARD, HOHENSTEIN, HELM, SAPPEY, HILL-EVANS, ISAACSON, DELLOSO, STURLA, A. DAVIS, SANCHEZ, SCHLOSSBERG, T. DAVIS, D. WILLIAMS, MADDEN, SAMUELSON, BURGOS, WELBY, WEBSTER, DEASY, KINKEAD, STEPHENS, BOBACK, MERSKI, SHUSTERMAN, SCHNEE, O'MARA, GUENST, HOWARD, HANBIDGE, INNAMORATO, DALEY AND CIRESI, OCTOBER 17, 2022

REFERRED TO COMMITTEE ON INSURANCE, OCTOBER 17, 2022

AN ACT

1 Amending the act of May 17, 1921 (P.L.682, No.284), entitled "An  
2 act relating to insurance; amending, revising, and  
3 consolidating the law providing for the incorporation of  
4 insurance companies, and the regulation, supervision, and  
5 protection of home and foreign insurance companies, Lloyds  
6 associations, reciprocal and inter-insurance exchanges, and  
7 fire insurance rating bureaus, and the regulation and  
8 supervision of insurance carried by such companies,  
9 associations, and exchanges, including insurance carried by  
10 the State Workmen's Insurance Fund; providing penalties; and  
11 repealing existing laws," in casualty insurance, providing  
12 for insulin coverage.

13 The General Assembly of the Commonwealth of Pennsylvania  
14 hereby enacts as follows:

15 Section 1. The act of May 17, 1921 (P.L.682, No.284), known  
16 as The Insurance Company Law of 1921, is amended by adding a  
17 section to read:

18 Section 635.8. Coverage for Insulin.--(a) A health  
19 insurance policy providing prescription coverage of insulin may  
20 not impose on a covered individual a copayment, coinsurance or  
21 deductible of more than thirty-five dollars (\$35) per thirty-day

1 supply of insulin, regardless of the amount or type of insulin  
2 needed to fill the covered individual's prescription.

3 (b) Nothing in this section shall prevent a health insurance  
4 policy from offering a lesser monthly price for a thirty-day  
5 supply of insulin than the price provided under subsection (a).

6 (c) The Insurance Department may promulgate regulations as  
7 necessary to implement and enforce the maximum price established  
8 under this section.

9 (d) This section shall not apply to the following types of  
10 policies:

11 (1) Accident only.

12 (2) Fixed indemnity.

13 (3) Limited benefit.

14 (4) Credit.

15 (5) Dental.

16 (6) Vision.

17 (7) Specified disease.

18 (8) Medicare supplement.

19 (9) CHAMPUS (Civilian Health and Medical Program for the  
20 Uniform Services) supplement.

21 (10) Long-term care or disability income.

22 (11) Workers' compensation.

23 (12) Automobile medical payment.

24 (e) The Attorney General shall investigate pricing of  
25 prescription insulin drugs to ensure that adequate pricing is  
26 achieved and to determine if additional consumer protections are  
27 necessary. As part of this investigation, the Attorney General  
28 shall gather, compile and analyze information concerning  
29 business practices, pricing, data and other information  
30 regarding insulin prescription drug manufacturers' roles in the

1 current prices of insulin prescription drugs.

2 (f) The Attorney General shall submit the findings of the  
3 investigation under subsection (e) in a report to the General  
4 Assembly, which shall be made accessible to the public no later  
5 than one year after the effective date of this section. The  
6 report shall include, but not be limited to:

7 (1) A summary of insulin pricing practices and factors that  
8 contribute to the pricing of health insurance plans.

9 (2) Public policy recommendations to control and prevent  
10 overpricing of prescription insulin drugs made available to  
11 consumers in this Commonwealth.

12 (3) Any other information the Attorney General finds  
13 necessary to complete the report.

14 Section 2. This act shall take effect in 60 days.