

---

THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

SENATE BILL

No. 1084 Session of  
2015

---

INTRODUCED BY TARTAGLIONE, COSTA AND FONTANA, DECEMBER 11, 2015

---

REFERRED TO BANKING AND INSURANCE, DECEMBER 11, 2015

---

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 "Postexposure prophylaxis HIV medication." Any medication  
13 that is approved by the United States Food and Drug  
14 Administration that can be taken as a prophylaxis to prevent the  
15 transmission of the HIV virus.

16 "Health insurance policy." An individual or group health  
17 insurance policy, contract or plan that provides medical or  
18 health care coverage by any health care facility or licensed

1 health care provider on an expense-incurred service or prepaid  
2 basis that is offered by or is governed under any of the  
3 following:

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

6 (2) The act of December 29, 1972 (P.L.1701, No.364),  
7 known as the Health Maintenance Organization Act.

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

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

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

20 Section 3. Mandated coverage.

21 (a) General rule.--Every health insurance policy that is  
22 delivered, issued for delivery, renewed, extended or modified in  
23 this Commonwealth on or after the effective date of this section  
24 shall provide coverage for the expenses of any postexposure  
25 prophylaxis HIV medication.

26 (b) Specialty tier.--Insurance providers may not move any  
27 postexposure prophylaxis HIV medication into a specialty tier  
28 solely for monetary gains.

29 (c) Counseling.--No health care plan may impose counseling  
30 from an infectious disease specialist or immunologist in order

1 to receive postexposure prophylaxis HIV medication, unless  
2 medically necessary.  
3 Section 4. Effective date.  
4 This act shall take effect in 60 days.