
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 668 Session of
2019

INTRODUCED BY MUTH, STREET, KEARNEY, FONTANA, TARTAGLIONE,
FARNESE, HUGHES AND SANTARSIERO, MAY 24, 2019

REFERRED TO BANKING AND INSURANCE, MAY 24, 2019

AN ACT

1 Requiring health insurance policies to provide coverage for
2 postexposure prophylaxis HIV medication and providing for
3 enforcement by the Insurance Commissioner.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Short title.

7 This act shall be known and may be cited as the Postexposure
8 Prophylaxes HIV Medication Coverage Act.

9 Section 2. Definitions.

10 The following words and phrases when used in this act shall
11 have the meanings given to them in this section unless the
12 context clearly indicates otherwise:

13 "Health insurance policy." An individual or group health
14 insurance policy, contract or plan that provides medical or
15 health care coverage by a health care facility or licensed
16 health care provider on an expense-incurred service or prepaid
17 basis that is offered by or is governed under any of the
18 following:

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

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

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

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

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

17 "Postexposure prophylaxis HIV medication." A medication that
18 is approved by the United States Food and Drug Administration
19 that can be taken as a prophylaxis to prevent the transmission
20 of the human immunodeficiency virus.

21 Section 3. Mandated coverage.

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

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

30 (c) Counseling.--No health care plan may impose counseling

1 from an infectious disease specialist or immunologist in order
2 to receive postexposure prophylaxis HIV medication unless
3 medically necessary.

4 Section 4. Violations and enforcement.

5 A violation of this act shall constitute a violation of
6 subdivision (b) of Article VI of the act of May 17, 1921
7 (P.L.682, No.284), known as The Insurance Company Law of 1921,
8 and shall be enforced by the Insurance Commissioner as provided
9 under section 628 of that act.

10 Section 5. Effective date.

11 This act shall take effect in 60 days.