

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 350 Session of 2021

INTRODUCED BY BENHAM, KOSIEROWSKI, SANCHEZ, HILL-EVANS,  
 A. DAVIS, KRAJEWSKI, HOWARD, FIEDLER, DRISCOLL, SCHLOSSBERG,  
 KENYATTA, HOHENSTEIN, OTTEN, ISAACSON, DEASY, FRANKEL,  
 GALLOWAY, D. WILLIAMS, CIRESI, WEBSTER, WARREN AND SIMS,  
 FEBRUARY 3, 2021

REFERRED TO COMMITTEE ON INSURANCE, FEBRUARY 3, 2021

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 COVID-19 care 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. COVID-19 Care Coverage.--(a) A health  
 19 insurance policy or government program covered under this  
 20 section that is offered, issued or renewed in this Commonwealth  
 21 shall include coverage for, and waive cost-sharing requirements

1 related to, medically necessary COVID-19 diagnosis, COVID-19  
2 treatment and COVID-19 prevention.

3 (b) This section shall expire five years after termination  
4 or expiration of the COVID-19 disaster emergency.

5 (c) The following words and phrases when used in this  
6 section shall have the meanings given to them in this subsection  
7 unless the context clearly indicates otherwise:

8 "Cost-sharing." The share of costs covered by the patient,  
9 including deductibles, coinsurance and copayments or similar  
10 charges. The term does not include the payment of health  
11 insurance policy premiums.

12 "COVID-19." The novel coronavirus as identified in the  
13 COVID-19 disaster emergency.

14 "COVID-19 diagnosis." In vitro diagnostic and antibody tests  
15 authorized or approved by the United States Food and Drug  
16 Administration for COVID-19 in a manner which complies with the  
17 rules, regulations or guidelines established by the Centers for  
18 Disease Control and Prevention. The term does not mean testing  
19 required for employment.

20 "COVID-19 disaster emergency." The declaration of disaster  
21 emergency issued by the Governor on March 6, 2020, published at  
22 50 Pa.B. 1644 (March 21, 2020), and any renewal of the state of  
23 disaster emergency.

24 "COVID-19 prevention." Injectable medications, biologicals  
25 or immunizations authorized or approved by the United States  
26 Food and Drug Administration for COVID-19 in a manner which  
27 complies with the rules, regulations or guidelines established  
28 by the Centers for Disease Control and Prevention.

29 "COVID-19 treatment." Medical therapeutics approved by the  
30 United States Food and Drug Administration for COVID-19 in a

1 manner which complies with the rules, regulations or guidelines  
2 established by the Centers for Disease Control and Prevention.

3 "Government program." Any of the following:

4 (1) The Commonwealth's medical assistance program  
5 established under the act of June 13, 1967 (P.L.31, No.21),  
6 known as the "Human Services Code."

7 (2) The Commonwealth's Children's Health Insurance Program  
8 under Article XXIII-A of this act.

9 "Health insurance policy." A policy, subscriber contract,  
10 certificate or plan issued by an insurer that provides medical  
11 or health care coverage. The term does not include:

12 (1) Accident only.

13 (2) Credit only.

14 (3) Long-term care or disability income.

15 (4) Specified disease.

16 (5) Medicare supplement.

17 (6) Tricare, including a Civilian Health and Medical Program  
18 of the Uniformed Services (CHAMPUS) supplement.

19 (7) Fixed indemnity.

20 (8) Dental only.

21 (9) Vision only.

22 (10) Workers' compensation.

23 (11) Automobile medical payment under 75 Pa.C.S. (relating  
24 to vehicles).

25 "Insurer." An entity that holds a valid license by the  
26 Insurance Department with accident and health authority to issue  
27 a health insurance policy and governed under any of the  
28 following:

29 (1) This act, including section 630.

30 (2) The act of December 29, 1972 (P.L.1701, No.364), known

1 as the "Health Maintenance Organization Act."

2 (3) 40 Pa.C.S. Chs. 61 (relating to hospital plan  
3 corporations) and 63 (relating to professional health services  
4 plan corporations).

5 Section 2. This act shall take effect immediately.