

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 782 Session of 2021

INTRODUCED BY PITTMAN, FONTANA, MASTRIANO, CAPPELLETTI, COLLETT AND HAYWOOD, JUNE 21, 2021

SENATOR BROOKS, HEALTH AND HUMAN SERVICES, AS AMENDED, SEPTEMBER 27, 2021

AN ACT

1 Amending the act of June 13, 1967 (P.L.31, No.21), entitled "An
2 act to consolidate, editorially revise, and codify the public
3 welfare laws of the Commonwealth," in public assistance,
4 providing for compensable services and items; and abrogating
5 a related regulation.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. The act of June 13, 1967 (P.L.31, No.21), known
9 as the Human Services Code, is amended by adding a section to
10 read:

11 Section 443.13. Compensable Services and Items.--
12 Notwithstanding any other provision of law, an anti-obesity drug <--
13 approved by the Food and Drug Administration of the United
14 States Department of Health and Human Services shall be
15 considered a compensable item under the medical assistance
16 program. AN ANTI-OBESITY DRUG SHALL BE CONSIDERED A COMPENSABLE <--
17 ITEM UNDER THE MEDICAL ASSISTANCE PROGRAM WHEN IT IS INCLUDED:
18 (1) IN THE DEFINITION OF "COVERED OUTPATIENT DRUG" UNDER
19 SECTION 1927(K) OF THE SOCIAL SECURITY ACT (49 STAT. 620, 42

1 U.S.C. § 1396R-8(K) AND SUBJECT TO SECTION 1927(A)(1) OF THE
2 SOCIAL SECURITY ACT (49 STAT. 620, 42 U.S.C. § 1396R-8(A)(1));
3 AND
4 (2) ON THE PENNSYLVANIA MEDICAL ASSISTANCE STATEWIDE
5 PREFERRED DRUG LIST AUTHORIZED UNDER SECTION 459.1.

6 Section 2. The provisions of 55 Pa. Code § 1121.54(1) are
7 abrogated insofar as they are inconsistent with the addition of
8 section 443.13 of the act.

9 Section 3. This act shall take effect in 60 days.