

HOUSE BILL 736

J5, J1, J4

4lr0728
CF SB 497

By: **Delegates Vogel, Addison, Allen, Attar, Boafo, Conaway, Embry, Fair, Foley, Grossman, Kaufman, McCaskill, T. Morgan, Ruff, Spiegel, Wilkins, Wolek, Wu, and Young**

Introduced and read first time: January 29, 2024

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Health Insurance and Maryland Medical Assistance Program – Coverage –**
3 **Opioid Reversal Drugs and Products**
4 **(NARCAN Price Cap Act)**

5 FOR the purpose of requiring the Maryland Medical Assistance Program and certain
6 insurers, nonprofit health service plans, and health maintenance organizations to
7 cover nonprescription naloxone hydrochloride and any other drug or product that is
8 approved by the federal Food and Drug Administration for the complete or partial
9 reversal of an opioid overdose without imposing a copayment or coinsurance
10 requirement that exceeds a certain amount; and generally relating to the coverage
11 for opioid reversal drugs and products.

12 BY adding to
13 Article – Health – General
14 Section 15–102.3(m) and 15–103(a)(2)(xxiv)
15 Annotated Code of Maryland
16 (2023 Replacement Volume)

17 BY repealing and reenacting, without amendments,
18 Article – Health – General
19 Section 15–103(a)(1)
20 Annotated Code of Maryland
21 (2023 Replacement Volume)

22 BY repealing and reenacting, with amendments,
23 Article – Health – General
24 Section 15–103(a)(2)(xxii) and (xxiii)
25 Annotated Code of Maryland
26 (2023 Replacement Volume)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY adding to
2 Article – Insurance
3 Section 15–850.1
4 Annotated Code of Maryland
5 (2017 Replacement Volume and 2023 Supplement)

6 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
7 That the Laws of Maryland read as follows:

8 **Article – Health – General**

9 15–102.3.

10 **(M) THE PROVISIONS OF § 15–850.1 OF THE INSURANCE ARTICLE APPLY TO**
11 **MANAGED CARE ORGANIZATIONS IN THE SAME MANNER AS THEY APPLY TO**
12 **CARRIERS.**

13 15–103.

14 (a) (1) The Secretary shall administer the Maryland Medical Assistance
15 Program.

16 (2) The Program:

17 (xxii) Beginning on January 1, 2024, shall provide
18 gender–affirming treatment in accordance with § 15–151 of this subtitle; [and]

19 (xxiii) Beginning on July 1, 2025, shall provide, subject to the
20 limitations of the State budget, and as permitted by federal law, coverage for biomarker
21 testing in accordance with § 15–859 of the Insurance Article; AND

22 **(XXIV) SHALL PROVIDE COVERAGE OF NONPRESCRIPTION**
23 **NALOXONE HYDROCHLORIDE AND ANY OTHER DRUG OR PRODUCT THAT IS**
24 **APPROVED BY THE FEDERAL FOOD AND DRUG ADMINISTRATION FOR THE**
25 **COMPLETE OR PARTIAL REVERSAL OF AN OPIOID OVERDOSE.**

26 **Article – Insurance**

27 **15–850.1.**

28 **(A) (1) THIS SECTION APPLIES TO:**

29 **(I) INSURERS AND NONPROFIT HEALTH SERVICE PLANS THAT**
30 **PROVIDE COVERAGE FOR PRESCRIPTION DRUGS UNDER INDIVIDUAL, GROUP, OR**
31 **BLANKET HEALTH INSURANCE POLICIES OR CONTRACTS THAT ARE ISSUED OR**

1 DELIVERED IN THE STATE; AND

2 (II) HEALTH MAINTENANCE ORGANIZATIONS THAT PROVIDE
3 COVERAGE FOR PRESCRIPTION DRUGS UNDER INDIVIDUAL GROUP CONTRACTS
4 THAT ARE ISSUED OR DELIVERED IN THE STATE.

5 (2) AN INSURER, A NONPROFIT HEALTH SERVICE PLAN, OR A HEALTH
6 MAINTENANCE ORGANIZATION THAT PROVIDES COVERAGE FOR PRESCRIPTION
7 DRUGS THROUGH A PHARMACY BENEFITS MANAGER IS SUBJECT TO THE
8 REQUIREMENTS OF THIS SECTION.

9 (B) AN ENTITY SUBJECT TO THIS SECTION SHALL COVER
10 NONPRESCRIPTION NALOXONE HYDROCHLORIDE AND ANY OTHER DRUG OR
11 PRODUCT THAT IS APPROVED BY THE FEDERAL FOOD AND DRUG ADMINISTRATION
12 FOR THE COMPLETE OR PARTIAL REVERSAL OF AN OPIOID OVERDOSE WITHOUT
13 IMPOSING A COPAYMENT OR COINSURANCE REQUIREMENT THAT EXCEEDS \$10 PER
14 PACKAGE.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to all
16 policies, contracts, and health benefit plans issued, delivered, or renewed in the State on or
17 after January 1, 2025.

18 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 January 1, 2025.