

# HOUSE BILL 970

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CF SB 787

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By: ~~Delegate Kelly~~ **Delegates Kelly, Bagnall, Belcastro, Bhandari, Carr, Chisholm, Cullison, Hill, Johnson, Kaiser, Kerr, Kipke, Krebs, Landis, R. Lewis, Morgan, Reilly, Rosenberg, Saab, Sample-Hughes, Szeliga, and K. Young**

Introduced and read first time: February 10, 2022

Assigned to: Health and Government Operations

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 25, 2022

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Managed Care Organizations and Health Insurance Carriers – Prior**  
3 **Authorization for HIV Postexposure Prophylaxis ~~for Victims of Sexual Offenses~~**  
4 **– Prohibition**

5 FOR the purpose of prohibiting managed care organizations and certain insurers, nonprofit  
6 health service plans, and health maintenance organizations from applying a prior  
7 authorization requirement for prescription drugs used as postexposure prophylaxis  
8 for the prevention of HIV if the drug is prescribed ~~to a victim of an alleged rape or~~  
9 ~~sexual offense~~ for use in accordance with Centers for Disease Control and Prevention  
10 guidelines; and generally relating to prescription drugs used as postexposure  
11 prophylaxis for the prevention of HIV infection and prior authorizations.

12 BY repealing and reenacting, without amendments,  
13 Article – Health – General  
14 Section 15–103(a)(1)  
15 Annotated Code of Maryland  
16 (2019 Replacement Volume and 2021 Supplement)

17 BY adding to  
18 Article – Health – General  
19 Section 15–103(b)(31)  
20 Annotated Code of Maryland  
21 (2019 Replacement Volume and 2021 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 BY adding to  
 2 Article – Insurance  
 3 Section 15–857  
 4 Annotated Code of Maryland  
 5 (2017 Replacement Volume and 2021 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 15–103.

10 (a) (1) The Secretary shall administer the Maryland Medical Assistance  
 11 Program.

12 (b) **(31) A MANAGED CARE ORGANIZATION MAY NOT APPLY A PRIOR**  
 13 **AUTHORIZATION REQUIREMENT FOR A PRESCRIPTION DRUG USED AS**  
 14 **POSTEXPOSURE PROPHYLAXIS FOR THE PREVENTION OF HIV IF THE**  
 15 **PRESCRIPTION DRUG IS PRESCRIBED ~~TO A VICTIM OF AN ALLEGED RAPE OR SEXUAL~~**  
 16 **~~OFFENSE~~ FOR USE IN ACCORDANCE WITH CENTERS FOR DISEASE CONTROL AND**  
 17 **PREVENTION GUIDELINES.**

18 **Article – Insurance**

19 15–857.

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

21 **(I) INSURERS AND NONPROFIT HEALTH SERVICE PLANS THAT**  
 22 **PROVIDE COVERAGE FOR PRESCRIPTION DRUGS UNDER INDIVIDUAL, GROUP, OR**  
 23 **BLANKET HEALTH INSURANCE POLICIES OR CONTRACTS THAT ARE ISSUED OR**  
 24 **DELIVERED IN THE STATE; AND**

25 **(II) HEALTH MAINTENANCE ORGANIZATIONS THAT PROVIDE**  
 26 **COVERAGE FOR PRESCRIPTION DRUGS UNDER INDIVIDUAL OR GROUP CONTRACTS**  
 27 **THAT ARE ISSUED OR DELIVERED IN THE STATE.**

28 **(2) AN INSURER, A NONPROFIT HEALTH SERVICE PLAN, OR A HEALTH**  
 29 **MAINTENANCE ORGANIZATION THAT PROVIDES COVERAGE FOR PRESCRIPTION**  
 30 **DRUGS THROUGH A PHARMACY BENEFITS MANAGER IS SUBJECT TO THE**  
 31 **REQUIREMENTS OF THIS SECTION.**

1           **(B) AN ENTITY SUBJECT TO THIS SECTION MAY NOT APPLY A PRIOR**  
2 **AUTHORIZATION REQUIREMENT FOR A PRESCRIPTION DRUG USED AS**  
3 **POSTEXPOSURE PROPHYLAXIS FOR THE PREVENTION OF HIV IF THE**  
4 **PRESCRIPTION DRUG IS PRESCRIBED ~~TO A VICTIM OF AN ALLEGED RAPE OR SEXUAL~~**  
5 **~~OFFENSE~~ FOR USE IN ACCORDANCE WITH CENTERS FOR DISEASE CONTROL AND**  
6 **PREVENTION GUIDELINES.**

7           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to all  
8 policies, contracts, and health benefit plans issued, delivered, or renewed in the State on or  
9 after January 1, 2023.

10           SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
11 January 1, 2023.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.