CHAPTER ______

AN ACT concerning

Managed Care Organizations and Health Insurance Carriers – Prior Authorization for HIV Postexposure Prophylaxis for Victims of Sexual Offenses – Prohibition

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

BY repealing and reenacting, without amendments,

Article – Health – General
Section 15–103(a)(1)
Annotated Code of Maryland
(2019 Replacement Volume and 2021 Supplement)

BY adding to

Article – Health – General
Section 15–103(b)(31)
Annotated Code of Maryland
(2019 Replacement Volume and 2021 Supplement)

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

Article – Health – General

15–103.

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

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

Article – Insurance

15–857.

(A) (1) THIS SECTION APPLIES TO:

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

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

(2) AN INSURER, A NONPROFIT HEALTH SERVICE PLAN, OR A HEALTH
MAINTENANCE ORGANIZATION THAT PROVIDES COVERAGE FOR PRESCRIPTION
DRUGS THROUGH A PHARMACY BENEFITS MANAGER IS SUBJECT TO THE
REQUIREMENTS OF THIS SECTION.
(B) AN ENTITY SUBJECT TO THIS SECTION MAY NOT APPLY A PRIOR
AUTHORIZATION REQUIREMENT FOR A PRESCRIPTION DRUG USED AS
POSTEXPOSURE PROPHYLAXIS FOR THE PREVENTION OF HIV IF THE
PRESCRIPTION DRUG IS PRESCRIBED TO A VICTIM OF AN ALLEGED RAPE OR SEXUAL
OFFENSE FOR USE IN ACCORDANCE WITH CENTERS FOR DISEASE CONTROL AND
PREVENTION GUIDELINES.

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

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
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.