HOUSE DOCKET, NO. 3442 FILED ON: 2/19/2021

HOUSE . . . . . No. 4034

The Commonwealth of Massachusetts

PRESENTED BY:

David Henry Argosky LeBoeuf

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to insulin access.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
David Henry Argosky LeBoeuf	*17th Worcester*	*2/19/2021*
Maria Duaime Robinson	*6th Middlesex*	*2/25/2021*
Colleen M. Garry	*36th Middlesex*	*2/25/2021*
Christina A. Minicucci	*14th Essex*	*2/26/2021*
Patrick Joseph Kearney	*4th Plymouth*	*2/26/2021*
Vanna Howard	*17th Middlesex*	*2/26/2021*
David Allen Robertson	*19th Middlesex*	*3/17/2021*
Steven C. Owens	*29th Middlesex*	*7/27/2021*
Michelle M. DuBois	*10th Plymouth*	*7/27/2021*
Lindsay N. Sabadosa	*1st Hampshire*	*7/27/2021*
Natalie M. Higgins	*4th Worcester*	*7/27/2021*
Tram T. Nguyen	*18th Essex*	*7/28/2021*
Kelly W. Pease	*4th Hampden*	*7/28/2021*
Anne M. Gobi	*Worcester, Hampden, Hampshire and Middlesex*	*7/28/2021*
Michelle L. Ciccolo	*15th Middlesex*	*7/28/2021*
Jack Patrick Lewis	*7th Middlesex*	*7/28/2021*
Kevin G. Honan	*17th Suffolk*	*7/29/2021*

Peter Capano	*11th Essex*	*7/30/2021*
Marcos A. Devers	*16th Essex*	*8/10/2021*
Rebecca L. Rausch	*Norfolk, Bristol and Middlesex*	*11/1/2021*

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By Mr. LeBoeuf of Worcester, a petition (accompanied by bill, House, No. 4034) of David Henry Argosky LeBoeuf and others relative to insulin access. Financial Services.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Second General Court
(2021-2022)

An Act relative to insulin access.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 17G chapter 32A of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by adding the following paragraph:-

The commission shall cap the total amount that an individual is required to pay for insulin at an amount not to exceed $100 per a 30-day supply of insulin, regardless of the amount or type of insulin needed to fill the individual's prescription.

SECTION 2. Chapter 111N of the General Laws is hereby amended by adding the following section:-

Section 9. (a) As used in this section, the following words shall, unless the context clearly requires otherwise, have the following meanings:-

"Individuals who urgently need insulin", individuals who have less than a 7-day supply of insulin and are likely to ration insulin without assistance.

"Insulin patient assistance program", assistance in the form of insulin free of charge for a specified duration provided by a manufacturer to an eligible individual, including, but not limited to: (i) directly to an eligible individual's licensed practitioner for dispensing or (ii) to an eligible individual through a single-use card that can be used at a pharmacy when accompanied by a prescription.

(b) Every pharmaceutical or medical device manufacturing company, as defined in section 1, engaged in the production and distribution of insulin with a Medicaid drug rebate agreement pursuant to 42 USC 1396r-8 shall:

(1) Ensure that there exists an option as part of the pharmaceutical or medical device manufacturing company's insulin patient assistance program offerings for individuals who urgently need insulin and are at risk of rationing to obtain an annual, one-time 30-day supply of insulin at no-cost; provided, that the individual: (i) has a prescription for insulin and (ii) provides written certification of financial need on a form to be provided by the department.

(2) Establish procedures to ensure that participation in the pharmaceutical or medical device manufacturing company's insulin patient assistance program is available to individuals who satisfy manufacturer-defined eligibility criteria consistent with this paragraph. The pharmaceutical or medical device manufacturing company shall, at minimum:

(i) Make available on its website or a website specific to the insulin patient assistance program an application form for the pharmaceutical or medical device manufacturing company's insulin patient assistance program;

(ii) Within 14 days of receipt of a completed application, issue a written determination to the applicant informing them of their eligibility or that more information is needed to determine eligibility;

(iii) Upon a determination that an applicant is eligible for the insulin patient assistance program, the pharmaceutical or medical device manufacturing company shall enroll the applicant in its insulin patient assistance program for 1 year, unless the applicant acquires government sponsored health insurance at any time during the year the applicant is enrolled in the program; and

(3) An individual shall be eligible for a pharmaceutical or medical device manufacturing company's insulin patient assistance program if:

(i) they are a United States citizen or legal resident;

(ii) they have a household income that is equal to or less than 400 per cent of the federal poverty guidelines;

(iii) they do not have private prescription drug coverage, including a health maintenance organization, also known as a HMO, or a preferred provider organization, also known as a PPO; and

(i) they are not eligible to receive prescription drug benefits through a federally funded program or through the Department of Veteran's Affairs; provided, however, that an individual who is enrolled in Medicare Part D may be eligible for a pharmaceutical or medical device manufacturing company's insulin patient assistance program if they meet all other eligibility

requirements and agree to any program terms and conditions set by the pharmaceutical or medical device manufacturing company.

(c) A pharmaceutical or medical device manufacturing company may establish a program to provide individuals who urgently need insulin through a single-use voucher that is redeemable at any retail pharmacy with a prescription.

(d) A pharmaceutical or medical device manufacturing company that fails to comply with this section shall be punished by a fine of $100,000 per month of noncompliance.

SECTION 3. Section 10C of chapter 118E of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by adding the following paragraph:-

The division shall cap the total amount that an individual is required to pay for insulin at an amount not to exceed $100 per a 30-day supply of insulin, regardless of the amount or type of insulin needed to fill the individual's prescription.

SECTION 4. Section 47N of chapter 175 of the General Laws, as so appearing, is hereby amended by adding the following paragraph:-

An insurer that provides coverage for insulin pursuant to this section shall cap the total amount that a policyholder is required to pay for insulin at an amount not to exceed $100 per a 30-day supply of insulin, regardless of the amount or type of insulin needed to fill the policyholder's prescription.

SECTION 5. Section 8P of chapter 176A of the General Laws, as so appearing, is hereby amended by adding the following paragraph:-

A contract that provides benefits to individual subscribers or members for insulin pursuant to this section shall cap the total amount that an individual subscriber or member is required to pay for insulin at an amount not to exceed $100 per a 30-day supply of insulin, regardless of the amount or type of insulin needed to fill the individual subscriber or member's prescription.

SECTION 6. Section 4S of chapter 176B of the General Laws is hereby amended by adding the following paragraph:-

A subscription certificate that provides benefits to individual subscribers or members for insulin pursuant to this section shall cap the total amount that an individual subscriber or member is required to pay for insulin at an amount not to exceed $100 per a 30-day supply of insulin, regardless of the amount or type of insulin needed to fill the individual subscriber or member's prescription.

SECTION 7. Section 4H of chapter 176G of the General Laws is hereby amended by adding the following paragraph:-

A contract that provides coverage for insulin pursuant to this section shall cap the total amount that an individual is required to pay for insulin at an amount not to exceed $100 per a 30-day supply of insulin, regardless of the amount or type of insulin needed to fill the individual's prescription.