

**HOUSE . . . . . No. 1245**

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**The Commonwealth of Massachusetts**

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PRESENTED BY:

***Jack Patrick Lewis and Thomas W. Moakley***

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*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 to address barriers to HIV prevention medication.**

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PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>1/15/2025</i>
<i>John Francis Moran</i>	<i>9th Suffolk</i>	<i>4/9/2025</i>

**HOUSE . . . . . No. 1245**

By Representatives Lewis of Framingham and Moakley of Falmouth, a petition (accompanied by bill, House, No. 1245) of Jack Patrick Lewis for legislation to address barriers to HIV prevention medication healthcare coverage. Financial Services.

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 1085 OF 2023-2024.]

**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninety-Fourth General Court  
(2025-2026)**  
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An Act to address barriers to HIV prevention medication.

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

1 SECTION 1. Chapter 32A of the General Laws is hereby amended by inserting after  
2 section 17S the following section:-

3 Section 17T: (a) As used in this section, the following words shall have the following  
4 meanings unless the context clearly requires otherwise:-

5 “HIV”, human immunodeficiency virus.

6 “HIV prevention drug”, any preexposure prophylaxis drug approved for the prevention of  
7 HIV by the federal Food and Drug Administration, including any ancillary or support health  
8 service determined by the secretary of health and human services that is necessary to: (1) ensure  
9 that such a drug is prescribed or administered to a person who is not infected with HIV and has

10 no medical contraindications to the use of such a drug; and (2) monitor such a person to ensure  
11 the safe and effective ongoing use of such a drug through: (A) an office visit; (B) laboratory  
12 testing; (C) testing for a sexually transmitted infection; (D) medication self-management and  
13 adherence counseling; (E) or any other health service specified as part of comprehensive HIV  
14 prevention drug services by the United States Department of Health and Human Services, the  
15 United States Centers for Disease Control and Prevention or the United States Preventive  
16 Services Task Force, or an equivalent state-authorized body with responsibility to identify health  
17 services that are components of comprehensive HIV prevention drug services.

18 (b) The commission shall provide any coverage for an HIV prevention drug to any active  
19 or retired employee of the commonwealth who is insured under the group health insurance  
20 commission: (A) without requiring (i) any cost-sharing, including co-payments or co-insurance,  
21 or any deductible, and (ii) prior authorization, step therapy or any other protocol that could  
22 restrict or delay the dispensing of any HIV prevention drug; and (B) shall not refuse, reject, or  
23 deny a prescription for any covered HIV prevention drug on the basis of the type or category of  
24 health care practitioner issuing the prescription or the venue or practice setting of the health care  
25 practitioner issuing the prescription, as long as the health care practitioner is licensed to prescribe  
26 medications.

27 SECTION 2. Chapter 118E of the General Laws is hereby amended by inserting after  
28 section 10Q the following section:-

29 Section 10R: (a) As used in this section, the following words shall have the following  
30 meanings unless the context clearly requires otherwise:-

31 “HIV”, human immunodeficiency virus.

32           “HIV prevention drug”, any preexposure prophylaxis drug approved for the prevention of  
33 HIV by the federal Food and Drug Administration, including any ancillary or support health  
34 service determined by the secretary of health and human services that is necessary to: (1) ensure  
35 that such a drug is prescribed or administered to a person who is not infected with HIV and has  
36 no medical contraindications to the use of such a drug; and (2) monitor such a person to ensure  
37 the safe and effective ongoing use of such a drug through: (A) an office visit; (B) laboratory  
38 testing; (C) testing for a sexually transmitted infection; (D) medication self-management and  
39 adherence counseling; (E) or any other health service specified as part of comprehensive HIV  
40 prevention drug services by the United States Department of Health and Human Services, the  
41 United States Centers for Disease Control and Prevention or the United States Preventive  
42 Services Task Force, or an equivalent state-authorized body with responsibility to identify health  
43 services that are components of comprehensive HIV prevention drug services.

44           (b) The division shall provide coverage for any HIV prevention drug: (A) without  
45 requiring (i) any cost-sharing, including co-payments or co-insurance, or any deductible, and (ii)  
46 prior authorization, step therapy or any other protocol that could restrict or delay the dispensing  
47 of any HIV prevention drug; and (B) shall not refuse, reject, or deny a prescription for any  
48 covered HIV prevention drug on the basis of the type or category of health care practitioner  
49 issuing the prescription or the venue or practice setting of the health care practitioner issuing the  
50 prescription, as long as the health care practitioner is licensed to prescribe medications.

51           SECTION 3. Chapter 175 of the General Laws is hereby amended by inserting after  
52 section 47 UU the following section:-

53           Section 47VV: (a) As used in this section, the following words shall have the following  
54 meanings unless the context clearly requires otherwise:-

55           “HIV”, human immunodeficiency virus.

56           “HIV prevention drug”, any preexposure prophylaxis drug approved for the prevention of  
57 HIV by the federal Food and Drug Administration, including any ancillary or support health  
58 service determined by the secretary of health and human services that is necessary to: (1) ensure  
59 that such a drug is prescribed or administered to a person who is not infected with HIV and has  
60 no medical contraindications to the use of such a drug; and (2) monitor such a person to ensure  
61 the safe and effective ongoing use of such a drug through: (A) an office visit; (B) laboratory  
62 testing; (C) testing for a sexually transmitted infection; (D) medication self-management and  
63 adherence counseling; (E) or any other health service specified as part of comprehensive HIV  
64 prevention drug services by the United States Department of Health and Human Services, the  
65 United States Centers for Disease Control and Prevention or the United States Preventive  
66 Services Task Force, or an equivalent state-authorized body with responsibility to identify health  
67 services that are components of comprehensive HIV prevention drug services.

68           (b) Any individual policy of accident and sickness insurance issued under section 108  
69 that provides hospital expense and surgical expense insurance and any group blanket or general  
70 policy of accident and sickness insurance issued under section 110 that provides hospital expense  
71 and surgical expense insurance, which is issued or renewed within or without the  
72 commonwealth, and that provides coverage for any HIV prevention drug, shall not (A) require (i)  
73 any cost-sharing, including co-payments or co-insurance, or any deductible, and (ii) prior  
74 authorization, step therapy or any other protocol that could restrict or delay the dispensing of any

75 HIV prevention drug; or (B) refuse, reject, or deny a prescription for an HIV prevention drug on  
76 the basis of the type or category of health care practitioner issuing the prescription or the venue  
77 or practice setting of the health care practitioner issuing the prescription, as long as the health  
78 care practitioner is licensed to prescribe medications.

79 SECTION 4. Chapter 176A of the General Laws is hereby amended by inserting after  
80 Section 8VV the following section:-

81 Section 8WW. (a) As used in this section, the following words shall have the following  
82 meanings unless the context clearly requires otherwise:-

83 “HIV”, human immunodeficiency virus.

84 “HIV prevention drug”, any preexposure prophylaxis drug approved for the prevention of  
85 HIV by the federal Food and Drug Administration, including any ancillary or support health  
86 service determined by the secretary of health and human services that is necessary to: (1) ensure  
87 that such a drug is prescribed or administered to a person who is not infected with HIV and has  
88 no medical contraindications to the use of such a drug; and (2) monitor such a person to ensure  
89 the safe and effective ongoing use of such a drug through: (A) an office visit; (B) laboratory  
90 testing; (C) testing for a sexually transmitted infection; (D) medication self-management and  
91 adherence counseling; (E) or any other health service specified as part of comprehensive HIV  
92 prevention drug services by the United States Department of Health and Human Services, the  
93 United States Centers for Disease Control and Prevention or the United States Preventive  
94 Services Task Force, or an equivalent state-authorized body with responsibility to identify health  
95 services that are components of comprehensive HIV prevention drug services.

96 (b) A contract between a subscriber and the corporation under an individual or group  
97 hospital service plan which provides hospital expense and surgical expense insurance, except  
98 contracts providing supplemental coverage to Medicare or other governmental programs,  
99 delivered, issued or renewed by agreement between the insurer and the policyholder, within or  
100 without the commonwealth, which provides coverage for any HIV prevention drug shall not: (A)  
101 require (i) any cost-sharing, including co-payments or co-insurance, or any deductible, and (ii)  
102 prior authorization, step therapy or any other protocol that could restrict or delay the dispensing  
103 of any HIV prevention drug; or (B) refuse, reject, or deny a prescription for an HIV prevention  
104 drug on the basis of the type or category of health care practitioner issuing the prescription or the  
105 venue or practice setting of the health care practitioner issuing the prescription, as long as the  
106 health care practitioner is licensed to prescribe medications.

107 SECTION 5. Chapter 176B of the General Laws is hereby amended by inserting after  
108 section 4VV the following section:-

109 Section 4WW. (a) As used in this section, the following words shall have the following  
110 meanings unless the context clearly requires otherwise:-

111 “HIV”, human immunodeficiency virus.

112 “HIV prevention drug”, any preexposure prophylaxis drug approved for the prevention of  
113 HIV by the federal Food and Drug Administration, including any ancillary or support health  
114 service determined by the secretary of health and human services that is necessary to: (1) ensure  
115 that such a drug is prescribed or administered to a person who is not infected with HIV and has  
116 no medical contraindications to the use of such a drug; and (2) monitor such a person to ensure  
117 the safe and effective ongoing use of such a drug through: (A) an office visit; (B) laboratory

118 testing; (C) testing for a sexually transmitted infection; (D) medication self-management and  
119 adherence counseling; (E) or any other health service specified as part of comprehensive HIV  
120 prevention drug services by the United States Department of Health and Human Services, the  
121 United States Centers for Disease Control and Prevention or the United States Preventive  
122 Services Task Force, or an equivalent state-authorized body with responsibility to identify health  
123 services that are components of comprehensive HIV prevention drug services.

124 (b) Any subscription certificate under an individual or group medical service agreement,  
125 except certificates that provide supplemental coverage to Medicare or other governmental  
126 programs, issued, delivered or renewed within or without the commonwealth that provides  
127 coverage for any HIV prevention drug shall not: (A) require (i) any cost-sharing, including co-  
128 payments or co-insurance, or any deductible, and (ii) prior authorization, step therapy or any  
129 other protocol that could restrict or delay the dispensing of any HIV prevention drug; or (B)  
130 refuse, reject, or deny a prescription for an HIV prevention drug on the basis of the type or  
131 category of health care practitioner issuing the prescription or the venue or practice setting of the  
132 health care practitioner issuing the prescription, as long as the health care practitioner is licensed  
133 to prescribe medications.

134 SECTION 6. Chapter 176G of the General Laws is hereby amended by inserting after  
135 section 4NN the following section:-

136 Section 400. (a) As used in this section, the following words shall have the following  
137 meanings unless the context clearly requires otherwise:-

138 “HIV”, human immunodeficiency virus.

139 “HIV prevention drug”, any preexposure prophylaxis drug approved for the prevention of  
140 HIV by the federal Food and Drug Administration, including any ancillary or support health  
141 service determined by the secretary of health and human services that is necessary to: (1) ensure  
142 that such a drug is prescribed or administered to a person who is not infected with HIV and has  
143 no medical contraindications to the use of such a drug; and (2) monitor such a person to ensure  
144 the safe and effective ongoing use of such a drug through: (A) an office visit; (B) laboratory  
145 testing; (C) testing for a sexually transmitted infection; (D) medication self-management and  
146 adherence counseling; (E) or any other health service specified as part of comprehensive HIV  
147 prevention drug services by the United States Department of Health and Human Services, the  
148 United States Centers for Disease Control and Prevention or the United States Preventive  
149 Services Task Force, or an equivalent state-authorized body with responsibility to identify health  
150 services that are components of comprehensive HIV prevention drug services.

151 (b) A health maintenance contract issued or renewed within or without the  
152 commonwealth that provides coverage for any HIV prevention drug shall not: (A) require (i) any  
153 cost-sharing, including co-payments or co-insurance, or any deductible, and (ii) prior  
154 authorization, step therapy or any other protocol that could restrict or delay the dispensing of any  
155 HIV prevention drug, provided, however, that co-payments, coinsurance or deductibles shall be  
156 required if the applicable plan is governed by the Federal Internal Revenue Code and would lose  
157 its tax-exempt status as a result of the prohibition on co-payments, coinsurance or deductibles for  
158 these services; or (B) refuse, reject, or deny a prescription for an HIV prevention drug on the  
159 basis of the type or category of health care practitioner issuing the prescription or the venue or  
160 practice setting of the health care practitioner issuing the prescription, as long as the health care  
161 practitioner is licensed to prescribe medications.

162 SECTION 7. Chapter 176I of the General Laws is hereby amended by adding the  
163 following section:-

164 Section 14. (a) As used in this section, the following words shall have the following  
165 meanings unless the context clearly requires otherwise:-

166 “HIV”, human immunodeficiency virus.

167 “HIV prevention drug”, any preexposure prophylaxis drug approved for the prevention of  
168 HIV by the federal Food and Drug Administration, including any ancillary or support health  
169 service determined by the secretary of health and human services that is necessary to: (1) ensure  
170 that such a drug is prescribed or administered to a person who is not infected with HIV and has  
171 no medical contraindications to the use of such a drug; and (2) monitor such a person to ensure  
172 the safe and effective ongoing use of such a drug through: (A) an office visit; (B) laboratory  
173 testing; (C) testing for a sexually transmitted infection; (D) medication self-management and  
174 adherence counseling; (E) or any other health service specified as part of comprehensive HIV  
175 prevention drug services by the United States Department of Health and Human Services, the  
176 United States Centers for Disease Control and Prevention or the United States Preventive  
177 Services Task Force, or an equivalent state-authorized body with responsibility to identify health  
178 services that are components of comprehensive HIV prevention drug services.

179 (b) An organization entering into a preferred provider contract that provides coverage for  
180 any HIV prevention drug shall not: (A) require (i) any cost-sharing, including co-payments or  
181 co-insurance, or any deductible, and (ii) prior authorization, step therapy or any other protocol  
182 that could restrict or delay the dispensing of any HIV prevention drug; or (B) refuse, reject, or  
183 deny a prescription for an HIV prevention drug on the basis of the type or category of health

184 care practitioner issuing the prescription or the venue or practice setting of the health care  
185 practitioner issuing the prescription, as long as the health care practitioner is licensed to prescribe  
186 medications.

187 SECTION 8. Chapter 176J of the General Laws is hereby amended by inserting after  
188 Section 17 the following section:-

189 Section 18. (a) As used in this section, the following words shall have the following  
190 meanings unless the context clearly requires otherwise:-

191 “HIV”, human immunodeficiency virus.

192 “HIV prevention drug”, any preexposure prophylaxis drug approved for the prevention of  
193 HIV by the federal Food and Drug Administration, including any ancillary or support health  
194 service determined by the secretary of health and human services that is necessary to: (1) ensure  
195 that such a drug is prescribed or administered to a person who is not infected with HIV and has  
196 no medical contraindications to the use of such a drug; and (2) monitor such a person to ensure  
197 the safe and effective ongoing use of such a drug through: (A) an office visit; (B) laboratory  
198 testing; (C) testing for a sexually transmitted infection; (D) medication self-management and  
199 adherence counseling; (E) or any other health service specified as part of comprehensive HIV  
200 prevention drug services by the United States Department of Health and Human Services, the  
201 United States Centers for Disease Control and Prevention or the United States Preventive  
202 Services Task Force, or an equivalent state-authorized body with responsibility to identify health  
203 services that are components of comprehensive HIV prevention drug services.

204 (b) No carrier subject to this Chapter that provides coverage for any HIV prevention drug  
205 shall: (A) require (i) any cost-sharing, including co-payments or co-insurance, or any deductible,

206 and (ii) prior authorization, step therapy or any other protocol that could restrict or delay the  
207 dispensing of any HIV prevention drug; or (B) refuse, reject, or deny a prescription for an HIV  
208 prevention drug on the basis of the type or category of health care practitioner issuing the  
209 prescription or the venue or practice setting of the health care practitioner issuing the  
210 prescription, as long as the health care practitioner is licensed to prescribe medications.

211 SECTION 9. Chapter 176Q of the General Laws is hereby amended by adding the  
212 following section:-

213 Section 17. (a) As used in this section, the following words shall have the following  
214 meanings unless the context clearly requires otherwise:-

215 “HIV”, human immunodeficiency virus.

216 “HIV prevention drug”, any preexposure prophylaxis drug approved for the prevention of  
217 HIV by the federal Food and Drug Administration, including any ancillary or support health  
218 service determined by the secretary of health and human services that is necessary to: (1) ensure  
219 that such a drug is prescribed or administered to a person who is not infected with HIV and has  
220 no medical contraindications to the use of such a drug; and (2) monitor such a person to ensure  
221 the safe and effective ongoing use of such a drug through: (A) an office visit; (B) laboratory  
222 testing; (C) testing for a sexually transmitted infection; (D) medication self-management and  
223 adherence counseling; (E) or any other health service specified as part of comprehensive HIV  
224 prevention drug services by the United States Department of Health and Human Services, the  
225 United States Centers for Disease Control and Prevention or the United States Preventive  
226 Services Task Force, or an equivalent state-authorized body with responsibility to identify health  
227 services that are components of comprehensive HIV prevention drug services.

228 (b) No carrier subject to this Chapter that provides coverage for any HIV prevention drug  
229 shall: (A) require (i) any cost-sharing, including co-payments or co-insurance, or any deductible,  
230 and (ii) prior authorization, step therapy or any other protocol that could restrict or delay the  
231 dispensing of any HIV prevention drug; or (B) refuse, reject, or deny a prescription for an HIV  
232 prevention drug on the basis of the type or category of health care practitioner issuing the  
233 prescription or the venue or practice setting of the health care practitioner issuing the  
234 prescription, as long as the health care practitioner is licensed to prescribe medications.

235 SECTION 10. Chapter 127 of the General Laws is hereby amended by inserting after  
236 section 17D the following section:-

237 Section 17E:- (a) As used in this section, the following words shall have the following  
238 meanings, unless the context clearly requires otherwise:-

239 “HIV”, the human immunodeficiency virus.

240 “HIV Prevention drug,” any preexposure prophylaxis drug approved for the prevention of  
241 HIV by the federal Food and Drug Administration.

242 (b) The superintendent of each state correctional facility and the administrator of each  
243 county correctional facility, as defined in section one of Chapter 125, shall ensure that within  
244 reasonable time prior to release each inmate of a state correctional facility, and each inmate of a  
245 country correctional facility who has been committed to a term of 30 days or more, and who is  
246 negative for HIV infection: (1) be provided information and counseling about HIV prevention  
247 drugs to prevent HIV acquisition; (2) with the consent of the inmate, be evaluated for benefit  
248 from an HIV prevention drug; (3) for eligible inmates, and with the consent of the inmate, be  
249 provided with a supply of an HIV prevention drug prior to release. Such supply of an HIV

250 prevention drug shall at the inmate's option include the administration immediately prior to  
251 release of the longest duration injectable form of HIV prevention drug, a 90-day supply of an  
252 oral HIV prevention drug, other clinically appropriate HIV prevention drug, or a prescription for  
253 such supply to be filled post-release; and (4) be provided with information about requirements  
254 for medical monitoring after release to ensure the safe and effective ongoing use of such HIV  
255 prevention drug. Each correctional facility shall develop and implement a plan to connect each  
256 inmate receiving an HIV prevention drug pursuant to this paragraph to post-release medical and  
257 other services to ensure ongoing HIV prevention therapy upon return to the community.

258 (c) Any pre-release supply of an HIV prevention drug shall be provided at no cost to the  
259 inmate.

260 (d) Each correctional facility evaluating an inmate for an HIV prevention drug pursuant  
261 to paragraph (b) of this section shall ensure that information obtained in such evaluation be kept  
262 confidential between the inmate and medical provider and not shared with security or  
263 administrative staff.

264 (e) The Department of Public Health shall promulgate guidance for the implementation  
265 of this section.

266 SECTION 11: Chapter 111 of the General Laws is hereby amended by inserting after  
267 Section 121B the following section:-

268 Section 121C: Notwithstanding any general or special law to the contrary, a licensed  
269 pharmacist shall be authorized to prescribe, dispense, or administer HIV prevention drugs. The  
270 department, in consultation with the board of registration in pharmacy, shall promulgate  
271 regulations implementing this provision and establishing the terms and conditions of such

272 authority. For purposes of this section, “HIV prevention drug” shall mean any preexposure  
273 prophylaxis drug approved for the prevention of HIV by the federal Food and Drug  
274 Administration.