HOUSE . . . . . No. 4935

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, January 22, 2026.

The committee on Financial Services, to whom was referred the petition (accompanied by bill, House, No. 1137) of Mindy Domb relative to cost sharing or required utilization review charges for contagious and infectious disease healthcare services, reports recommending that the accompanying bill (House, No. 4935) ought to pass.

For the committee,

JAMES M. MURPHY.

FILED ON: 1/5/2026

HOUSE . . . . . No. 4935

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

An Act to strengthen the control of contagious and infectious diseases in the Commonwealth.

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

SECTION 2. Chapter 111 of the General Laws is hereby amended by adding after section 7 the following section:-

Section 7A. (a) The commissioner is hereby authorized to designate contagious and infectious diseases of heightened public health importance.

(b) Insurance plans, health coverage, and medical assistance and medical benefit programs shall not charge cost sharing or require utilization review for any health care service for the prevention, diagnosis, or treatment of a disease designated under subsection (a), for coverage subject to section 17AA of chapter 32A, section 10AA of chapter 118E, section 47AAA of chapter 175, section 8EEE of chapter 176A, section 4EEE of chapter 176B, section 4WW of chapter 176G, or section 14 of chapter 176I. For purposes of this section, cost sharing shall include payments required from a consumer in connection with the provision of a health care service, including but not limited to co-payments, coinsurance, and deductibles. Utilization review shall include prior authorization, step therapy, or any other protocol that could restrict or

delay the provision of any health care service, provided, however, that cost sharing shall be required if the applicable plan is governed by the Federal Internal Revenue Code and would lose its tax-exempt status as a result of the prohibition on such for these services.

(c) Upon the designation of a contagious or infectious disease pursuant to subsection (a), the commissioner shall: (1) provide forthwith written notice of such designation and the requirements of this section to the secretary of health and human services, who shall enforce this section with respect to programs of medical assistance and medical benefits established under chapter 118E; the group insurance commission which shall enforce this section for coverage established under chapter 32A; and the division of insurance which shall immediately notify commercial health insurers, Blue Cross and Blue Shield of Massachusetts, Inc., health maintenance organizations, and all other entities that provide health coverage and medical assistance and benefit programs within the scope of the division's regulation, of a designation pursuant to paragraph (a) and the requirements of this section; (2) take steps to ensure that the public health council shall have the opportunity in an advisory capacity to comment upon such designation; and (3) take reasonable steps to notify health care institutions, health care providers, and consumers of the provisions of this section, including as applicable through clinical advisories, posting to the department's website, or other means.

(d) The commissioner shall maintain a publicly accessible list of contagious or infectious diseases that have been designated as of public health importance pursuant to subsection (a). The commissioner shall at least annually review the list and shall either renew or remove each designation. When a contagious or infectious disease is removed from the list of designations made under subsection (a), the commissioner shall provide written notice of such removal to the entities specified in subsection (c).

(e) The requirements of subsection (b) shall be effective 30 days from a designation pursuant to subsection (a).

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

Section 17AA: The commission shall provide to any active or retired employee of the commonwealth who is insured under the group health insurance commission, coverage without cost sharing or utilization review for any health care service for the prevention, diagnosis, or treatment of a contagious or infectious disease designated as of heightened public health importance pursuant to section 7A of chapter 111, provided, however, that cost sharing shall be required if the applicable plan is governed by the Federal Internal Revenue Code and would lose its tax-exempt status as a result of the prohibition on such for these services.

SECTION 3. Chapter 118E of the General Laws is hereby amended by inserting after section 10Z the following section:-

Section 10AA: The division shall cover without cost sharing or utilization review any health care service for the prevention, diagnosis, or treatment of a contagious or infectious disease designated as of heightened public health importance pursuant to section 7A of chapter 111.

SECTION 4. Chapter 175 of the General Laws is hereby amended by inserting before section 47CCC the following section:-

Section 47AAA. An individual policy of accident and sickness insurance issued under section 108 that provides hospital expense and surgical expense insurance and any group blanket

or general policy of accident and sickness insurance issued under section 110 that provides hospital expense and surgical expense insurance, which is issued or renewed within or without the commonwealth, shall cover without cost sharing or utilization review any health care service for the prevention, diagnosis, or treatment of a contagious or infectious disease designated as of heightened public health importance pursuant to section 7A of chapter 111, provided, however, that cost sharing shall be required if the applicable plan is governed by the Federal Internal Revenue Code and would lose its tax-exempt status as a result of the prohibition on such for these services.

SECTION 5. Chapter 176A of the General Laws is hereby amended by inserting after Section 8DDD the following section:-

Section 8EEE. A contract between a subscriber and the corporation under an individual or group hospital service plan which provides hospital expense and surgical expense insurance except contracts providing supplemental coverage to Medicare or other governmental programs, delivered, issued or renewed by agreement between the insurer and the policyholder, within or without the commonwealth, shall cover without cost sharing or utilization review any health care service for the prevention, diagnosis, or treatment of a contagious or infectious disease designated as of heightened public health importance pursuant to section 7A of chapter 111; provided, however, that co-payments, coinsurance or deductibles shall be required if the applicable plan is governed by the Federal Internal Revenue Code and would lose its tax-exempt status as a result of the prohibition on co-payments, coinsurance or deductibles for these services.

SECTION 6. Chapter 176B of the General Laws is hereby amended by inserting after section 4DDD the following section:-

Section 4EEE. Any subscription certificate under an individual or group medical service agreement, except certificates that provide supplemental coverage to Medicare or other governmental programs, issued, delivered or renewed within or without the commonwealth, shall cover without cost sharing or utilization review any health care service for the prevention, diagnosis, or treatment of a contagious or infectious disease designated as of heightened public health importance pursuant to section 7A of chapter 111; provided, however, that co-payments, coinsurance or deductibles shall be required if the applicable plan is governed by the Federal Internal Revenue Code and would lose its tax-exempt status as a result of the prohibition on co-payments, coinsurance or deductibles for these services.

SECTION 7. Chapter 176G of the General Laws is hereby amended by inserting after section 4VV the following section:-

Section 4WW. A health maintenance contract issued or renewed within or without the commonwealth shall cover without cost sharing or utilization review any health care service for the prevention, diagnosis, or treatment of a contagious or infectious disease designated as of heightened public health importance pursuant to section 7A of chapter 111; provided, however, that co-payments, coinsurance or deductibles shall be required if the applicable plan is governed by the Federal Internal Revenue Code and would lose its tax-exempt status as a result of the prohibition on co-payments, coinsurance or deductibles for these services.

SECTION 8. Chapter 176I of the General Laws is hereby amended by adding the following section:-

Section 14. An organization entering into a preferred provider contract shall cover without cost sharing or utilization review any health care service for the prevention, diagnosis, or

treatment of a contagious or infectious disease designated as of heightened public health importance pursuant to section 7A of chapter 111, provided, however, that cost sharing shall be required if the applicable plan is governed by the Federal Internal Revenue Code and would lose its tax-exempt status as a result of the prohibition on such for these services.