

HOUSE No. 4951

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, January 28, 2026.

The committee on Financial Services, to whom was referred the petition (accompanied by bill, House, No. 1245) of Jack Patrick Lewis for legislation to address barriers to HIV prevention medication healthcare coverage, reports recommending that the accompanying bill (House, No. 4951) ought to pass.

For the committee,

JAMES M. MURPHY.

HOUSE No. 4951

The Commonwealth of Massachusetts

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

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 17Z the following section:-

3 Section 17AA: (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

prevention drug services by the United States Department of Health and Human Services, the United States Centers for Disease Control and Prevention or the United States Preventive Services Task Force, or an equivalent state-authorized body with responsibility to identify health services that are components of comprehensive HIV prevention drug services.

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

SECTION 4. Chapter 118E of the General Laws is hereby amended by inserting after section 10Z the following section:-

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

“HIV”, human immunodeficiency virus.

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

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

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

SECTION 5. Chapter 175 of the General Laws is hereby amended by inserting before section 47CCC the following section:-

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

“HIV”, human immunodeficiency virus.

“HIV prevention drug”, any preexposure prophylaxis drug approved for the prevention of HIV by the federal Food and Drug Administration, including any ancillary or support health

service determined by the secretary of health and human services that is necessary to: (1) ensure that such a drug is prescribed or administered to a person who is not infected with HIV and has no medical contraindications to the use of such a drug; and (2) monitor such a person to ensure the safe and effective ongoing use of such a drug through: (A) an office visit; (B) laboratory testing; (C) testing for a sexually transmitted infection; (D) medication self-management and adherence counseling; (E) or any other health service specified as part of comprehensive HIV prevention drug services by the United States Department of Health and Human Services, the United States Centers for Disease Control and Prevention or the United States Preventive Services Task Force, or an equivalent state-authorized body with responsibility to identify health services that are components of comprehensive HIV prevention drug services.

(b) Any 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, and that provides coverage for any HIV prevention drug, shall not (A) require (i) any cost-sharing, including co-payments or co-insurance, or any deductible, and (ii) prior authorization, step therapy or any other protocol that could restrict or delay the dispensing of any HIV prevention drug; or (B) refuse, reject, or deny a prescription for an HIV prevention drug on the basis of the type or category of health care practitioner issuing the prescription or the venue or practice setting of the health care practitioner issuing the prescription, as long as the health care practitioner is licensed to prescribe medications.

SECTION 6. Chapter 176A of the General Laws is hereby amended by inserting after Section 8DDD the following section:-

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

“HIV”, human immunodeficiency virus.

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

(b) 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, which provides coverage for any HIV prevention drug shall not: (A) require (i) any cost-sharing, including co-payments or co-insurance, or any deductible, and (ii) prior authorization, step therapy or any other protocol that could restrict or delay the dispensing

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

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

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

“HIV”, human immunodeficiency virus.

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

(b) 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 that provides coverage for any HIV prevention drug shall not: (A) require (i) any cost-sharing, including co-payments or co-insurance, or any deductible, and (ii) prior authorization, step therapy or any other protocol that could restrict or delay the dispensing of any HIV prevention drug; or (B) refuse, reject, or deny a prescription for an HIV prevention drug on the basis of the type or category of health care practitioner issuing the prescription or the venue or practice setting of the health care practitioner issuing the prescription, as long as the health care practitioner is licensed to prescribe medications.

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

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

“HIV”, human immunodeficiency virus.

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

adherence counseling; (E) or any other health service specified as part of comprehensive HIV prevention drug services by the United States Department of Health and Human Services, the United States Centers for Disease Control and Prevention or the United States Preventive Services Task Force, or an equivalent state-authorized body with responsibility to identify health services that are components of comprehensive HIV prevention drug services.

(b) A health maintenance contract issued or renewed within or without the commonwealth that provides coverage for any HIV prevention drug shall not: (A) require (i) any cost-sharing, including co-payments or co-insurance, or any deductible, and (ii) prior authorization, step therapy or any other protocol that could restrict or delay the dispensing of any HIV prevention drug, 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; or (B) refuse, reject, or deny a prescription for an HIV prevention drug on the basis of the type or category of health care practitioner issuing the prescription or the venue or practice setting of the health care practitioner issuing the prescription, as long as the health care practitioner is licensed to prescribe medications.

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

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

“HIV”, human immunodeficiency virus.

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

(b) An organization entering into a preferred provider contract that provides coverage for any HIV prevention drug shall not: (A) require (i) any cost-sharing, including co-payments or co-insurance, or any deductible, and (ii) prior authorization, step therapy or any other protocol that could restrict or delay the dispensing of any HIV prevention drug; or (B) refuse, reject, or deny a prescription for an HIV prevention drug on the basis of the type or category of health care practitioner issuing the prescription or the venue or practice setting of the health care practitioner issuing the prescription, as long as the health care practitioner is licensed to prescribe medications.

SECTION 10. Chapter 176J of the General Laws is hereby amended by inserting after section 17 the following section:-

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

“HIV”, human immunodeficiency virus.

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

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

SECTION 11. Chapter 176Q of the General Laws is hereby amended by adding the following section:-

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

“HIV”, human immunodeficiency virus.

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

(b) No carrier subject to this chapter that provides coverage for any HIV prevention drug shall: (A) require (i) any cost-sharing, including co-payments or co-insurance, or any deductible, and (ii) prior authorization, step therapy or any other protocol that could restrict or delay the dispensing of any HIV prevention drug; or (B) refuse, reject, or deny a prescription for an HIV prevention drug on the basis of the type or category of health care practitioner issuing the

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

SECTION 3. Chapter 127 of the General Laws is hereby amended by inserting after section 17D the following section:-

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

“HIV”, the human immunodeficiency virus.

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

(b) The superintendent of each state correctional facility and the administrator of each county correctional facility, as defined in section one of chapter 125, shall ensure that within reasonable time prior to release each inmate of a state correctional facility, and each inmate of a county correctional facility who has been committed to a term of 30 days or more, and who is negative for HIV infection: (1) be provided information and counseling about HIV prevention drugs to prevent HIV acquisition; (2) with the consent of the inmate, be evaluated for benefit from an HIV prevention drug; (3) for eligible inmates, and with the consent of the inmate, be provided with a supply of an HIV prevention drug prior to release. Such supply of an HIV prevention drug shall at the inmate’s option include the administration immediately prior to release of the longest duration injectable form of HIV prevention drug, a 90-day supply of an oral HIV prevention drug, other clinically appropriate HIV prevention drug, or a prescription for such supply to be filled post-release; and (4) be provided with information about requirements for medical monitoring after release to ensure the safe and effective ongoing use of such HIV

prevention drug. Each correctional facility shall develop and implement a plan to connect each inmate receiving an HIV prevention drug pursuant to this paragraph to post-release medical and other services to ensure ongoing HIV prevention therapy upon return to the community.

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

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

(e) The department of public health shall promulgate guidance for the implementation of this section.

SECTION 2: Chapter 111 of the General Laws is hereby amended by inserting after section 121B the following section:-

Section 121C. Notwithstanding any general or special law to the contrary, a licensed pharmacist shall be authorized to prescribe, dispense, or administer HIV prevention drugs. The department, in consultation with the board of registration in pharmacy, shall promulgate regulations implementing this provision and establishing the terms and conditions of such authority. For purposes of this section, "HIV prevention drug" shall mean any preexposure prophylaxis drug approved for the prevention of HIV by the federal Food and Drug Administration.