

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Jack Patrick Lewis and Thomas W. Moakley

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.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>1/15/2025</i>

HOUSE No.

[Pin Slip]

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

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 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.