

**SENATE . . . . . No. 717**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Julian Cyr*

*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 strengthen the control of contagious and infectious diseases in the Commonwealth.

PETITION OF:

NAME:

*Julian Cyr*

DISTRICT/ADDRESS:

*Cape and Islands*

**SENATE . . . . . No. 717**

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By Mr. Cyr, a petition (accompanied by bill, Senate, No. 717) of Julian Cyr for legislation to strengthen the control of contagious and infectious diseases in the Commonwealth. Financial Services.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 595 OF 2023-2024.]

**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:*

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  
8 health

9 service determined by the secretary of health and human services that is necessary to: (1)  
10 ensure  
11 that such a drug is prescribed or administered to a person who is not infected with HIV  
12 and has  
13 no medical contraindications to the use of such a drug; and (2) monitor such a person to  
14 ensure  
15 the safe and effective ongoing use of such a drug through: (i) an office visit; (ii)  
16 laboratory  
17 testing; (iii) testing for a sexually transmitted infection; (iv) medication self-management  
18 and  
19 adherence counseling; (v) or any other health service specified as part of comprehensive  
20 HIV  
21 prevention drug services by the United States Department of Health and Human Services,  
22 the  
23 United States Centers for Disease Control and Prevention or the United States Preventive  
24 Services Task Force, or an equivalent state-authorized body with responsibility to identify health  
25 services that are components of comprehensive HIV prevention drug services.

26 (b) The commission shall provide any coverage for an HIV prevention drug to any active  
27 or retired employee of the commonwealth who is insured under the group health insurance  
28 commission: (1) without requiring (i) any cost-sharing, including co-payments or co-insurance,  
29 or any deductible, and (ii) prior authorization, step therapy or any other protocol that could

30 restrict or delay the dispensing of any HIV prevention drug; and (2) shall not refuse, reject, or  
31 deny a prescription for any covered HIV prevention drug on the basis of the type or category of  
32 health care practitioner issuing the prescription or the venue or practice setting of the health care  
33 practitioner issuing the prescription, as long as the health care practitioner is licensed to prescribe  
34 medications.

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

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

39 “HIV”, human immunodeficiency virus.

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

43 service determined by the secretary of health and human services that is necessary to: (1)  
44 ensure

45 that such a drug is prescribed or administered to a person who is not infected with HIV  
46 and has

47 no medical contraindications to the use of such a drug; and (2) monitor such a person to  
48 ensure

49 the safe and effective ongoing use of such a drug through: (i) an office visit; (ii)  
50 laboratory  
51 testing; (iii) testing for a sexually transmitted infection; (iv) medication self-management  
52 and  
53 adherence counseling; (v) or any other health service specified as part of comprehensive  
54 HIV  
55 prevention drug services by the United States Department of Health and Human Services,  
56 the  
57 United States Centers for Disease Control and Prevention or the United States Preventive  
58 Services Task Force, or an equivalent state-authorized body with responsibility to identify health  
59 services that are components of comprehensive HIV prevention drug services.

60 (b) The division shall provide coverage for any HIV prevention drug: (1) without  
61 requiring (i) any cost-sharing, including co-payments or co-insurance, or any deductible, and (ii)  
62 prior authorization, step therapy or any other protocol that could restrict or delay the dispensing  
63 of any HIV prevention drug; and (2) shall not refuse, reject, or deny a prescription for any  
64 covered HIV prevention drug on the basis of the type or category of health care practitioner  
65 issuing the prescription or the venue or practice setting of the health care practitioner issuing the  
66 prescription, as long as the health care practitioner is licensed to prescribe medications.

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

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

71 “HIV”, the human immunodeficiency virus.

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

74 (b) The superintendent of each state correctional facility and the administrator of each  
75 county correctional facility, as defined in section one of Chapter 125, shall ensure that within  
76 reasonable time prior to release each inmate of a state correctional facility, and each inmate of a  
77 country correctional facility who has been committed to a term of 30 days or more, and who is  
78 negative for HIV infection: (1) be provided information and counseling about HIV prevention  
79 drugs to prevent HIV acquisition; (2) with the consent of the inmate, be evaluated for benefit  
80 from an HIV prevention drug; (3) for eligible inmates, and with the consent of the inmate, be  
81 provided with a supply of an HIV prevention drug prior to release. Such supply of an HIV  
82 prevention drug shall at the inmate’s option include the administration immediately prior to  
83 release of the longest duration injectable form of HIV prevention drug, a 90-day supply of an  
84 oral HIV prevention drug, other clinically appropriate HIV prevention drug, or a prescription for  
85 such supply to be filled post-release; and (4) be provided with information about requirements  
86 for medical monitoring after release to ensure the safe and effective ongoing use of such HIV  
87 prevention drug. Each correctional facility shall develop and implement a plan to connect each  
88 inmate receiving an HIV prevention drug pursuant to this paragraph to post-release medical and  
89 other services to ensure ongoing HIV prevention therapy upon return to the community.

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

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

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

98 SECTION 4. Chapter 175 of the General Laws is hereby amended by inserting after  
99 section 47 UU the following section:-

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

102 “HIV”, human immunodeficiency virus.

103 “HIV prevention drug”, any preexposure prophylaxis drug approved for the prevention of

104 HIV by the federal Food and Drug Administration, including any ancillary or support

105 health

106 service determined by the secretary of health and human services that is necessary to: (1)

107 ensure

108 that such a drug is prescribed or administered to a person who is not infected with HIV

109 and has

110 no medical contraindications to the use of such a drug; and (2) monitor such a person to  
111 ensure  
112 the safe and effective ongoing use of such a drug through: (i) an office visit; (ii)  
113 laboratory  
114 testing; (iii) testing for a sexually transmitted infection; (iv) medication self-management  
115 and  
116 adherence counseling; (v) or any other health service specified as part of comprehensive  
117 HIV  
118 prevention drug services by the United States Department of Health and Human Services,  
119 the  
120 United States Centers for Disease Control and Prevention or the United States Preventive  
121 Services Task Force, or an equivalent state-authorized body with responsibility to identify health  
122 services that are components of comprehensive HIV prevention drug services.

123 (b) Any individual policy of accident and sickness insurance issued under section 108  
124 that provides hospital expense and surgical expense insurance and any group blanket or general  
125 policy of accident and sickness insurance issued under section 110 that provides hospital expense  
126 and surgical expense insurance, which is issued or renewed within or without the  
127 commonwealth, and that provides coverage for any HIV prevention drug, shall not (1) require (i)  
128 any cost-sharing, including co-payments or co-insurance, or any deductible, and (ii) prior  
129 authorization, step therapy or any other protocol that could restrict or delay the dispensing of any  
130 HIV prevention drug; or (2) refuse, reject, or deny a prescription for an HIV prevention drug on

131 the basis of the type or category of health care practitioner issuing the prescription or the venue  
132 or practice setting of the health care practitioner issuing the prescription, as long as the health  
133 care practitioner is licensed to prescribe medications.

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

136 Section 8WW. (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  
141 health

142 service determined by the secretary of health and human services that is necessary to: (1)

143 ensure

144 that such a drug is prescribed or administered to a person who is not infected with HIV

145 and has

146 no medical contraindications to the use of such a drug; and (2) monitor such a person to

147 ensure

148 the safe and effective ongoing use of such a drug through: (i) an office visit; (ii)

149 laboratory

150 testing; (iii) testing for a sexually transmitted infection; (iv) medication self-management  
151 and  
152 adherence counseling; (v) or any other health service specified as part of comprehensive  
153 HIV  
154 prevention drug services by the United States Department of Health and Human Services,  
155 the  
156 United States Centers for Disease Control and Prevention or the United States Preventive  
157 Services Task Force, or an equivalent state-authorized body with responsibility to identify health  
158 services that are components of comprehensive HIV prevention drug services.

159 (b) A contract between a subscriber and the corporation under an individual or group  
160 hospital service plan which provides hospital expense and surgical expense insurance, except  
161 contracts providing supplemental coverage to Medicare or other governmental programs,  
162 delivered, issued or renewed by agreement between the insurer and the policyholder, within or  
163 without the commonwealth, which provides coverage for any HIV prevention drug shall not: (1)  
164 require (i) any cost-sharing, including co-payments or co-insurance, or any deductible, and (ii)  
165 prior authorization, step therapy or any other protocol that could restrict or delay the dispensing  
166 of any HIV prevention drug; or (2) refuse, reject, or deny a prescription for an HIV prevention  
167 drug on the basis of the type or category of health care practitioner issuing the prescription or the  
168 venue or practice setting of the health care practitioner issuing the prescription, as long as the  
169 health care practitioner is licensed to prescribe medications.

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

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

174 “HIV”, human immunodeficiency virus.

175 “HIV prevention drug”, any preexposure prophylaxis drug approved for the prevention of

176 HIV by the federal Food and Drug Administration, including any ancillary or support

177 health

178 service determined by the secretary of health and human services that is necessary to: (1)

179 ensure

180 that such a drug is prescribed or administered to a person who is not infected with HIV

181 and has

182 no medical contraindications to the use of such a drug; and (2) monitor such a person to

183 ensure

184 the safe and effective ongoing use of such a drug through: (i) an office visit; (ii)

185 laboratory

186 testing; (iii) testing for a sexually transmitted infection; (iv) medication self-management

187 and

188 adherence counseling; (v) or any other health service specified as part of comprehensive

189 HIV

190 prevention drug services by the United States Department of Health and Human Services,

191 the

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

195 (b) Any subscription certificate under an individual or group medical service agreement,  
196 except certificates that provide supplemental coverage to Medicare or other governmental  
197 programs, issued, delivered or renewed within or without the commonwealth that provides  
198 coverage for any HIV prevention drug shall not: (1) require (i) any cost-sharing, including co-  
199 payments or co-insurance, or any deductible, and (ii) prior authorization, step therapy or any  
200 other protocol that could restrict or delay the dispensing of any HIV prevention drug; or (2)  
201 refuse, reject, or deny a prescription for an HIV prevention drug on the basis of the type or  
202 category of health care practitioner issuing the prescription or the venue or practice setting of the  
203 health care practitioner issuing the prescription, as long as the health care practitioner is licensed  
204 to prescribe medications.

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

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

209 “HIV”, human immunodeficiency virus.

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

213 service determined by the secretary of health and human services that is necessary to: (1)  
214 ensure  
215 that such a drug is prescribed or administered to a person who is not infected with HIV  
216 and has  
217 no medical contraindications to the use of such a drug; and (2) monitor such a person to  
218 ensure  
219 the safe and effective ongoing use of such a drug through: (i) an office visit; (ii)  
220 laboratory  
221 testing; (iii) testing for a sexually transmitted infection; (iv) medication self-management  
222 and  
223 adherence counseling; (v) or any other health service specified as part of comprehensive  
224 HIV  
225 prevention drug services by the United States Department of Health and Human Services,  
226 the  
227 United States Centers for Disease Control and Prevention or the United States Preventive  
228 Services Task Force, or an equivalent state-authorized body with responsibility to identify health  
229 services that are components of comprehensive HIV prevention drug services.

230 (b) A health maintenance contract issued or renewed within or without the  
231 commonwealth that provides coverage for any HIV prevention drug shall not: (1) require (i) any  
232 cost-sharing, including co-payments or co-insurance, or any deductible, and (ii) prior  
233 authorization, step therapy or any other protocol that could restrict or delay the dispensing of any

234 HIV prevention drug, provided, however, that co-payments, coinsurance or deductibles shall be  
235 required if the applicable plan is governed by the Federal Internal Revenue Code and would lose  
236 its tax-exempt status as a result of the prohibition on co-payments, coinsurance or deductibles for  
237 these services; or (2) refuse, reject, or deny a prescription for an HIV prevention drug on the  
238 basis of the type or category of health care practitioner issuing the prescription or the venue or  
239 practice setting of the health care practitioner issuing the prescription, as long as the health care  
240 practitioner is licensed to prescribe medications.

241 SECTION 8: Section 1 of chapter 94C, as amended by section 108 of chapter 140 of the  
242 acts of 2024, is hereby amended by striking out clause (iii) and inserting in place thereof the  
243 following clause:- (iii) said pharmacist's prescription for the treatment and prevention of  
244 sexually transmitted infections, including those defined in regulation by the department pursuant  
245 to section 121B of chapter 111 or for the prevention of HIV; or