

SENATE No.

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.

[Pin Slip]

[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