

## SB0166S02 compared with SB0166S01

~~{deleted text}~~ shows text that was in SB0166S01 but was deleted in SB0166S02.

inserted text shows text that was not in SB0166S01 but was inserted into SB0166S02.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

~~{Senator Michael S. Kennedy}~~Representative Steve Eliason proposes the following substitute bill:

### HEALTH BENEFIT AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: ~~{}~~Michael S. Kennedy

House Sponsor: ~~{}~~Steve Eliason

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#### LONG TITLE

##### General Description:

This bill modifies provisions related to health benefit plans and prescription drugs.

##### Highlighted Provisions:

This bill:

- ▶ defines terms;~~{~~

~~— requires the Department of Health and Human Services to create an insurance premium assistance program;}~~ and

- ▶ requires health benefit plans to create certain procedures related to prescription drugs.

##### Money Appropriated in this Bill:

None

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### Other Special Clauses:

~~{ This bill provides a special effective date. }~~ None

### Utah Code Sections Affected:

~~{AMENDS:~~

~~———— **63I-1-226 (Superseded 07/01/24)**, as last amended by Laws of Utah 2023, Chapters 249, 269, 270, 275, 332, 335, 420, and 495 and repealed and reenacted by Laws of Utah 2023, Chapter 329~~

~~———— **63I-1-226 (Effective 07/01/24)**, as last amended by Laws of Utah 2023, Chapters 249, 269, 270, 275, 310, 332, 335, 420, and 495 and repealed and reenacted by Laws of Utah 2023, Chapter 329 and last amended by Coordination Clause, Laws of Utah 2023, Chapters 329, 332~~

~~{ENACTS:~~

~~{ **26B-4-326**, Utah Code Annotated 1953~~

~~{ **31A-22-660**, Utah Code Annotated 1953~~

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section ~~{**26B-4-326**}~~**31A-22-660** is enacted to read:

~~{ **26B-4-326. Juvenile rheumatoid arthritis health insurance premium assistance program:**~~

~~———— (1) As used in this section:~~

~~———— (a) "Access to an optimal drug" means coverage under a health benefit plan that:~~

~~———— (i) provides an optimal drug in the health benefit plan's preferred drug tier; and~~

~~———— (ii) does not require an individual to use another drug before covering the optimal drug in the preferred drug tier.~~

~~———— (b) "Discounted premium" means the premium an individual must pay to obtain coverage from a health benefit plan after any discounts or reductions, including federal subsidies.~~

~~———— (c) "Eligible health benefit plan" means a health benefit plan that:~~

~~———— (i) is offered on the health insurance exchange, as defined in Section 31A-1-301;~~

~~———— (ii) does not have a deductible for the health benefit plan's pharmacy benefit; and~~

~~———— (iii) is a child only health benefit plan.~~

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- ~~—— (d) "Health benefit plan" means the same as that term is defined in Section 31A-1-301.~~
- ~~—— (e) "Optimal drug" means a drug that:~~
  - ~~—— (i) manages juvenile rheumatoid arthritis; and~~
  - ~~—— (ii) increases the individual's quality of life as determined by the individual's health care provider.~~
- ~~—— (f) "Premium assistance" means payment of 50% of a qualified child's discounted premium by the department.~~
- ~~—— (g) "Qualified child" means an individual:~~
  - ~~—— (i) who is under 18 years old;~~
  - ~~—— (ii) whose household adjusted gross income is at or less than 300% of the federal poverty level;~~
  - ~~—— (iii) is a United States citizen;~~
  - ~~—— (iv) is a Utah resident;~~
  - ~~—— (v) has been diagnosed with juvenile rheumatoid arthritis; and~~
  - ~~—— (vi) is not eligible for Medicaid or the Children's Health Insurance Program.~~
- ~~—— (2) (a) Subject to appropriation and Subsection (2)(b), the department shall create a program to provide premium assistance to a qualified child.~~
- ~~—— (b) The department may not provide premium assistance to a qualified child if the qualified child has access to an optimal drug through a health benefit plan provided by the employer of the child's parent or guardian.~~
- ~~—— (3) An applicant for the premium assistance shall provide the department any information the department deems necessary to determine whether a child qualifies for the premium assistance.~~
- ~~—— (4) Each year, the department may not provide premium assistance to more than 150 qualified children.~~
- ~~—— (5) (a) The department shall provide the assistance directly to the eligible health benefit plan.~~
- ~~—— (b) The department may provide the premium assistance in the form of a lump sum payment.~~
- ~~—— (6) If a qualified child disenrolls from the eligible health benefit plan, the eligible health benefit plan shall return any funds provided by the department for the months that the~~

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~~qualified child was not enrolled in the eligible health benefit plan.~~

~~(7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department may make rules to implement this section.~~

~~Section 2. Section 31A-22-660 is enacted to read:~~

‡ **31A-22-660. Health benefit plan procedures related to prescription drugs.**

(1) As used in this section, "long-term drug" means an enrollee's prescription drug where the prescription has been active for at least 180 days with the health benefit plan.

(2) (a) Except as provided in Subsection (2)(b), before a health benefit plan requires an enrollee to change from a prescribed long-term drug to another drug, the health benefit plan shall:

(i) at least 30 days before the day on which the health benefit plan will require the enrollee to change from the long-term drug to another drug, provide notice that the health benefit plan will require the individual to change to another drug; and

(ii) provide a justification for the change upon request.

(b) Subsection (2)(a) does not apply if:

(i) the change requires the individual to try a generic or a biosimilar of the long-term drug; or

(ii) the long-term drug is not on the health benefit plan's formulary.

(3) A health benefit plan shall provide an enrollee a justification as to why an enrollee must try a certain drug before a health benefit plan will cover a different prescribed drug.

(4) This section does not apply to a drug that is provided under the health benefit plan's medical benefit.

Section {3. ~~Section 63I-1-226 (Superseded 07/01/24) is amended to read:~~

~~63I-1-226 (Superseded 07/01/24). Repeal dates: Titles 26A through 26B.~~

~~(1) Subsection 26B-1-204(2)(i), related to the Primary Care Grant Committee, is repealed July 1, 2025.~~

~~(2) Section 26B-1-315, which creates the Medicaid Expansion Fund, is repealed July 1, 2024.~~

~~(3) Section 26B-1-319, which creates the Neuro-Rehabilitation Fund, is repealed January 1, 2025.~~

~~(4) Section 26B-1-320, which creates the Pediatric Neuro-Rehabilitation Fund, is~~

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~~repealed January 1, 2025.~~

~~—— (5) Subsection 26B-1-324(4), the language that states "the Behavioral Health Crisis Response Commission, as defined in Section 63C-18-202," is repealed December 31, 2026.~~

~~—— (6) Subsection 26B-1-329(6), related to the Behavioral Health Crisis Response Commission, is repealed December 31, 2026.~~

~~—— (7) Section 26B-1-402, related to the Rare Disease Advisory Council Grant Program, is repealed July 1, 2026.~~

~~—— (8) Section 26B-1-409, which creates the Utah Digital Health Service Commission, is repealed July 1, 2025.~~

~~—— (9) Section 26B-1-410, which creates the Primary Care Grant Committee, is repealed July 1, 2025.~~

~~—— (10) Section 26B-1-416, which creates the Utah Children's Health Insurance Program Advisory Council, is repealed July 1, 2025.~~

~~—— (11) Section 26B-1-417, which creates the Brain Injury Advisory Committee, is repealed July 1, 2025.~~

~~—— (12) Section 26B-1-418, which creates the Neuro-Rehabilitation Fund and Pediatric Neuro-Rehabilitation Fund Advisory Committee, is repealed January 1, 2025.~~

~~—— (13) Section 26B-1-422, which creates the Early Childhood Utah Advisory Council, is repealed July 1, 2029.~~

~~—— (14) Section 26B-1-428, which creates the Youth Electronic Cigarette, Marijuana, and Other Drug Prevention Program, is repealed July 1, 2025.~~

~~—— (15) Section 26B-1-430, which creates the Coordinating Council for Persons with Disabilities, is repealed July 1, 2027.~~

~~—— (16) Section 26B-1-431, which creates the Forensic Mental Health Coordinating Council, is repealed July 1, 2023.~~

~~—— (17) Section 26B-1-432, which creates the Newborn Hearing Screening Committee, is repealed July 1, 2026.~~

~~—— (18) Section 26B-1-434, regarding the Correctional Postnatal and Early Childhood Advisory Board, is repealed July 1, 2026.~~

~~—— (19) Section 26B-2-407, related to drinking water quality in child care centers, is repealed July 1, 2027.~~

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~~————(20) Subsection 26B-3-107(9), which addresses reimbursement for dental hygienists, is repealed July 1, 2028.~~

~~————(21) Section 26B-3-136, which creates the Children's Health Care Coverage Program, is repealed July 1, 2025.~~

~~————(22) Section 26B-3-137, related to reimbursement for the National Diabetes Prevention Program, is repealed June 30, 2027.~~

~~————(23) Subsection 26B-3-213(2), the language that states "and the Behavioral Health Crisis Response Commission created in Section 63C-18-202" is repealed December 31, 2026.~~

~~————(24) Sections 26B-3-302 through 26B-3-309, regarding the Drug Utilization Review Board, are repealed July 1, 2027.~~

~~————(25) Title 26B, Chapter 3, Part 5, Inpatient Hospital Assessment, is repealed July 1, 2024.~~

~~————(26) Title 26B, Chapter 3, Part 6, Medicaid Expansion Hospital Assessment, is repealed July 1, 2024.~~

~~————(27) Title 26B, Chapter 3, Part 7, Hospital Provider Assessment, is repealed July 1, 2028.~~

~~————(28) Section 26B-3-910, regarding alternative eligibility, is repealed July 1, 2028.~~

~~————(29) Section 26B-4-136, related to the Volunteer Emergency Medical Service Personnel Health Insurance Program, is repealed July 1, 2027.~~

~~————(30) Section 26B-4-326 is repealed July 1, 2027.~~

~~————[(30)] (31) Section 26B-4-710, related to rural residency training programs, is repealed July 1, 2025.~~

~~————[(31)] (32) Subsections 26B-5-112(1) and (5), the language that states "In consultation with the Behavioral Health Crisis Response Commission, established in Section 63C-18-202," is repealed December 31, 2026.~~

~~————[(32)] (33) Section 26B-5-112.5 is repealed December 31, 2026.~~

~~————[(33)] (34) Section 26B-5-114, related to the Behavioral Health Receiving Center Grant Program, is repealed December 31, 2026.~~

~~————[(34)] (35) Section 26B-5-118, related to collaborative care grant programs, is repealed December 31, 2024.~~

~~————[(35)] (36) Section 26B-5-120 is repealed December 31, 2026.~~

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~~[(36)] (37) In relation to the Utah Assertive Community Treatment Act, on July 1, 2024:~~

~~(a) Subsection 26B-5-606(2)(a)(i), the language that states "and" is repealed; and~~

~~(b) Subsections 26B-5-606(2)(a)(ii), 26B-5-606(2)(b), and 26B-5-606(2)(c) are repealed.~~

~~[(37)] (38) In relation to the Behavioral Health Crisis Response Commission, on December 31, 2026:~~

~~(a) Subsection 26B-5-609(1)(a) is repealed;~~

~~(b) Subsection 26B-5-609(3)(a), the language that states "With recommendations from the commission," is repealed;~~

~~(c) Subsection 26B-5-610(1)(b) is repealed;~~

~~(d) Subsection 26B-5-610(2)(b), the language that states "and in consultation with the commission," is repealed; and~~

~~(e) Subsection 26B-5-610(4), the language that states "In consultation with the commission," is repealed.~~

~~[(38)] (39) Subsections 26B-5-611(1)(a) and (10), in relation to the Utah Substance Use and Mental Health Advisory Council, are repealed January 1, 2033.~~

~~[(39)] (40) Section 26B-5-612, related to integrated behavioral health care grant programs, is repealed December 31, 2025.~~

~~[(40)] (41) Subsection 26B-7-119(5), related to reports to the Legislature on the outcomes of the Hepatitis C Outreach Pilot Program, is repealed July 1, 2028.~~

~~[(41)] (42) Section 26B-7-224, related to reports to the Legislature on violent incidents and fatalities involving substance abuse, is repealed December 31, 2027.~~

~~[(42)] (43) Title 26B, Chapter 8, Part 5, Utah Health Data Authority, is repealed July 1, 2024.~~

~~[(43)] (44) Section 26B-8-513, related to identifying overuse of non-evidence-based health care, is repealed December 31, 2023.~~

~~Section 4. Section **63I-1-226 (Effective 07/01/24)** is amended to read:~~

~~**63I-1-226 (Effective 07/01/24). Repeal dates: Titles 26A through 26B.**~~

~~(1) Subsection 26B-1-204(2)(i), related to the Primary Care Grant Committee, is repealed July 1, 2025.~~

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— ~~[(33)] (34)~~ Section 26B-5-118, related to collaborative care grant programs, is repealed December 31, 2024.

— ~~[(34)] (35)~~ Section 26B-5-120 is repealed December 31, 2026.

— ~~[(35)] (36)~~ In relation to the Utah Assertive Community Treatment Act, on July 1, 2024:

— ~~(a)~~ Subsection 26B-5-606(2)(a)(i), the language that states "and" is repealed; and

— ~~(b)~~ Subsections 26B-5-606(2)(a)(ii), 26B-5-606(2)(b), and 26B-5-606(2)(c) are repealed.

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— ~~(a)~~ Subsection 26B-5-609(1)(a) is repealed;

— ~~(b)~~ Subsection 26B-5-609(3)(a), the language that states "With recommendations from the commission," is repealed;

— ~~(c)~~ Subsection 26B-5-610(1)(b) is repealed;

— ~~(d)~~ Subsection 26B-5-610(2)(b), the language that states "and in consultation with the commission," is repealed; and

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— ~~[(41)] (42)~~ Title 26B, Chapter 8, Part 5, Utah Health Data Authority, is repealed July 1, 2024.

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— Section 5} 2. **Effective date.**

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~~{(1) Except as provided in Subsection (2), this}~~ This bill takes effect on May 1, 2024. ~~}~~

~~—————(2) The actions affecting Section 63I-1-226 (Effective 07/01/24) take effect on July 1, 2024.}~~