

1 **EPINEPHRINE AUTO-INJECTOR ACCESS AMENDMENTS**

2 2021 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Suzanne Harrison**

5 Senate Sponsor: Michael S. Kennedy

6

7 **LONG TITLE**

8 **General Description:**

9 This bill creates a mechanism to increase Utahns' access to epinephrine auto-injectors.

10 **Highlighted Provisions:**

11 This bill:

12 ▶ directs the Public Employees' Benefit and Insurance Program to expand the discount
13 program to allow participants to purchase epinephrine auto-injectors at a discounted
14 price; **H→ [and]**

14a ▶ **modifies the circumstances under which the Public Employees' Benefit and**
14b **Insurance Program offers the discount program; and ←H**

15 ▶ permits a health benefit plan that provides coverage for epinephrine auto-injectors
16 to not reimburse a participant who purchased an epinephrine auto-injector through
17 the discount program.

18 **Money Appropriated in this Bill:**

19 None

20 **Other Special Clauses:**

21 This bill provides a special effective date.

22 **Utah Code Sections Affected:**

23 AMENDS:

24 **49-20-421**, as enacted by Laws of Utah 2020, Chapter 310

25 ENACTS:

26 **31A-22-656**, Utah Code Annotated 1953



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

29 Section 1. Section 31A-22-656 is enacted to read:

30 **31A-22-656. Coverage of epinephrine auto-injector.**

31 A health benefit plan entered into or renewed on or after July 1, 2021, that provides
32 coverage of an epinephrine auto-injector is not required to reimburse a participant, as that term
33 is defined in Section 49-20-421, for an epinephrine auto-injector the participant obtains
34 through the discount program described in Section 49-20-421.

35 Section 2. Section 49-20-421 is amended to read:

36 **49-20-421. Prescription discount program.**

37 (1) As used in this section:

38 (a) "Diabetes" means:

- 39 (i) complete insulin deficiency or type 1 diabetes;
- 40 (ii) insulin resistant with partial insulin deficiency or type 2 diabetes; or
- 41 (iii) elevated blood glucose levels induced by pregnancy or gestational diabetes.

42 (b) "Discount program" means a process developed by the program that allows
43 participants to purchase [~~insulin~~] a qualified prescription at a discounted, post-rebate rate.

44 (c) "Epinephrine auto-injector" means the same as that term is defined in Section
45 26-41-102.

46 [~~(c)~~] (d) "Individual with diabetes" means an individual who has been diagnosed with
47 diabetes and who uses insulin to treat diabetes.

48 [~~(d)~~] (e) "Insulin" means a prescription drug that contains insulin.

49 [~~(e)~~] (f) "Participant" means a resident of Utah who:

50 [~~(i) uses insulin to treat diabetes;~~]

- 51 (i) has a qualified condition;
- 52 (ii) does not receive health coverage under the program; and
- 53 (iii) enrolls in the discount program.

54 [~~(f)~~] (g) "Prescription drug" means the same as that term is defined in Section
55 58-17b-102.

56 (h) "Qualified condition" means the individual:

- 57 (i) uses insulin to treat diabetes; or
- 58 (ii) has a prescription or a standing prescription drug order for an epinephrine

59 auto-injector issued under Section 58-17b-1005.

60 (i) "Qualified prescription" means:

61 (i) insulin; or

62 (ii) epinephrine auto-injector.

63 [~~g~~] (j) "Rebate" means the same as that term is defined in Section 31A-46-102.

64 (2) Notwithstanding Subsection 49-20-201(1), and for the purpose of the [insulin]
65 discount program only, the program shall offer [~~an insulin~~] a discount program that allows
66 participants to purchase [insulin] a qualified prescription at a discounted, post-rebate price
66a ~~H~~→ **when a rebate is available** ←~~H~~ .

67 (3) The discount program described in Subsection (2) shall:

68 (a) provide a participant with a card or electronic document that identifies the
69 participant as eligible for the discount on a qualified prescription related to the participant's
70 qualified condition;

71 (b) provide a participant with information about pharmacies that will honor the
72 discount;

73 (c) allow a participant to purchase [insulin] a qualified prescription at a discounted,
74 post-rebate price; and

75 (d) provide a participant with instructions to pursue a reimbursement of the purchase
76 price from the participant's health insurer.

77 (4) The discount program shall charge a price for [insulin] a qualified prescription that
78 allows the program to retain only enough of any rebate for the [insulin] qualified prescription
79 to make the state risk pool whole for providing a discounted [insulin] qualified prescription to
80 participants.

81 Section 3. **Effective date.**

82 This bill takes effect on July 1, 2021.