

PRESCRIPTION DISCOUNT PROGRAM AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Raymond P. Ward

Senate Sponsor: Michael S. Kennedy

LONG TITLE

Committee Note:

The Health and Human Services Interim Committee recommended this bill.

Legislative Vote: 12 voting for 0 voting against 6 absent

General Description:

This bill allows the Public Employees' Benefit and Insurance Program (program) to add additional drugs to the prescription discount program.

Highlighted Provisions:

This bill:

- ▶ modifies definitions;
- ▶ allows the Public Employees' Benefit and Insurance Program to add additional drugs to the prescription discount program;
- ▶ requires the program to notify the Legislature when an additional drug is added to the program; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:



28 [49-20-421](#), as last amended by Laws of Utah 2021, Chapter 255

29

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

31 Section 1. Section **49-20-421** is amended to read:

32 **49-20-421. Prescription discount program.**

33 (1) As used in this section:

34 ~~[(a) "Diabetes" means:]~~

35 ~~[(i) complete insulin deficiency or type 1 diabetes;]~~

36 ~~[(ii) insulin resistant with partial insulin deficiency or type 2 diabetes; or]~~

37 ~~[(iii) elevated blood glucose levels induced by pregnancy or gestational diabetes;]~~

38 ~~[(b)] (a) "Discount program" means [a process developed by the program that allows~~

39 participants to purchase a qualified prescription at a discounted, post-rebate rate] the

40 prescription discount program created by this section.

41 ~~[(c)] (b) "Epinephrine auto-injector" means the same as that term is defined in Section~~

42 [26-41-102](#).

43 ~~[(d) "Individual with diabetes" means an individual who has been diagnosed with~~

44 diabetes and who uses insulin to treat diabetes;]

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

46 ~~[(f)] (d) "Participant" means a resident of Utah who:~~

47 (i) ~~[has a qualified condition]~~ has a prescription or standing prescription for a qualified

48 prescription;

49 (ii) does not receive health coverage under the program; and

50 (iii) enrolls in the discount program.

51 ~~[(g)] (e) "Prescription drug" means the same as that term is defined in Section~~

52 [58-17b-102](#).

53 ~~[(h) "Qualified condition" means the individual:]~~

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

55 ~~[(ii) has a prescription or a standing prescription drug order for an epinephrine~~

56 auto-injector issued under Section [58-17b-1005](#);]

57 ~~[(i) "Qualified prescription" means:]~~

58 ~~[(i) insulin; or]~~

59 ~~[(ii) epinephrine auto-injector:]~~

60 (f) "Qualified prescription" means a prescription drug, including insulin and

61 epinephrine auto-injectors, that the program has determined:

62 (i) treats a serious, prevalent, and ongoing condition;

63 (ii) does not have a generic substitute;

64 (iii) qualifies for a substantial rebate; and

65 (iv) would not result in financial losses to the state risk pool if sold as part of the
66 discount program.

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

68 (2) ~~[Notwithstanding Subsection 49-20-201(1), and for the purpose of the discount~~
69 ~~program only, the program shall offer a discount program that allows participants to purchase a~~
70 ~~qualified prescription at a discounted, post-rebate price when a rebate is available.]~~ The
71 program shall create a prescription discount program for a participant to purchase a qualified
72 prescription at a discounted, post-rebate price.

73 (3) The ~~[discount]~~ program ~~[described in Subsection (2)]~~ shall:

74 (a) provide a participant with a card or electronic document that identifies the
75 participant as eligible for the discount on a qualified prescription ~~[related to the participant's~~
76 ~~qualified condition];~~

77 (b) provide a participant with information about pharmacies that will honor the
78 discount; and

79 ~~[(c) allow a participant to purchase a qualified prescription at a discounted, post-rebate~~
80 ~~price; and]~~

81 ~~[(d)]~~ (c) provide a participant with instructions to pursue a reimbursement of the
82 purchase price from the participant's health insurer.

83 ~~[(4) The discount program shall charge a price for a qualified prescription that allows~~
84 ~~the program to retain only enough of any rebate for the qualified prescription to make the state~~
85 ~~risk pool whole for providing a discounted qualified prescription to participants.]~~

86 (4) The program may not retain any amount of a rebate for a qualified prescription
87 except for an amount necessary to make the state risk pool whole for providing the qualified
88 prescription to participants.

89 (5) For each drug added to the discount program, the program shall notify the Health

90 and Human Services Interim Committee, providing:

91 (a) the name of the drug; and

92 (b) the primary condition the drug treats.