

# **WEST VIRGINIA LEGISLATURE**

## **2020 REGULAR SESSION**

### **Introduced**

## **House Bill 4632**

BY DELEGATES RODIGHIERO, R. THOMPSON, WORRELL,  
PHILLIPS, STORCH, ROHRBACH, MAYNARD, TOMBLIN,  
HICKS, FLEISCHAUER AND MILLER

[Introduced January 31, 2020; Referred to the Committee  
on Banking and Insurance then Health and Human  
Resources]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
 2 designated §5-16-8b; to amend said code by adding thereto a new section, designated  
 3 §33-15-4u; to amend said code by adding thereto a new section, designated §33-15E-18;  
 4 to amend said code by adding thereto a new section, designated §33-16-3ff; to amend  
 5 said code by adding thereto a new section, designated §33-24-7u; to amend said code by  
 6 adding thereto a new section, designated §33-25-8r; and to amend said code by adding  
 7 thereto a new section, designated §33-25A-8u, all relating to imposing a cap under an  
 8 insurance policy or a discount prescription drug plan, on the total amount that a covered  
 9 person is required to pay for a covered prescription epinephrine drug; and providing that  
 10 the cap may not exceed \$100 per 30-day supply of the drug, regardless of the amount of  
 11 epinephrine needed to fill the covered person's prescription.

*Be it enacted by the Legislature of West Virginia:*

**CHAPTER 5. GENERAL POWERS AND AUTHORITY OF THE  
 GOVERNOR, SECRETARY OF STATE AND ATTORNEY GENERAL;  
 BOARD OF PUBLIC WORKS; MISCELLANEOUS AGENCIES,  
 COMMISSIONS, OFFICES, PROGRAMS, ETC.**

**ARTICLE 16. WEST VIRGINIA PUBLIC EMPLOYEES INSURANCE ACT.**

**§5-16-8b. Cost sharing in prescription epinephrine drugs; limit.**

1 (a) As used in this section, unless the context otherwise requires, "prescription epinephrine  
 2 drug" means a prescription drug that contains epinephrine and is used to treat in emergencies, to  
 3 treat very serious allergic reactions to insect stings, bites, foods, drugs, or other substances.

4 (b) Notwithstanding any other provision of this article, after June 30, 2020, the plan shall  
 5 provide coverage for prescription epinephrine drugs and cap the total amount that an employee  
 6 or a dependent of a covered employee is required to pay for the drug at an amount not to exceed

7 \$100 per 30-day supply of the drug, regardless of the amount of epinephrine needed to fill the  
8 covered person's prescription.

## **CHAPTER 33. INSURANCE.**

### **ARTICLE 15. ACCIDENT AND SICKNESS INSURANCE.**

#### **§33-15-4u. Cost sharing in prescription epinephrine drugs; limit.**

1 Notwithstanding any other provision of this code, a policy, plan, or contract that is issued  
2 or renewed on or after June 30, 2020, and that is subject to this article that provides coverage for  
3 prescription epinephrine drugs shall cap the total amount that a covered person is required to pay  
4 for a covered prescription epinephrine drug at an amount not to exceed \$100 per 30-day supply  
5 of the drug, regardless of the amount of epinephrine needed to fill the covered person's  
6 prescription.

### **ARTICLE 15E. DISCOUNT MEDICAL PLAN ORGANIZATIONS AND DISCOUNT PRESCRIPTION DRUG PLAN ORGANIZATIONS ACT.**

#### **§33-15E-18. Cost sharing in prescription epinephrine drugs; limit.**

1 Notwithstanding any other provision of this code, a policy, plan, or contract that is issued  
2 or renewed on or after June 30, 2020, and that is subject to this article that provides coverage for  
3 prescription epinephrine drugs shall cap the total amount that a plan member is required to pay  
4 for a covered prescription epinephrine drug at an amount not to exceed \$100 per 30-day supply  
5 of the drug, regardless of the amount of epinephrine needed to fill the covered person's  
6 prescription.

### **ARTICLE 16. GROUP ACCIDENT AND SICKNESS INSURANCE.**

#### **§33-16-3ff. Cost sharing in prescription epinephrine drugs; limit.**

1 Notwithstanding any other provision of this code, a policy, plan, or contract that is issued  
2 or renewed on or after June 30, 2020, and that is subject to this article that provides coverage for  
3 prescription epinephrine drugs shall cap the total amount that a covered person is required to pay

4 for a covered prescription epinephrine drug at an amount not to exceed \$100 per 30-day supply  
 5 of the drug, regardless of the amount of epinephrine needed to fill the covered person’s  
 6 prescription.

**ARTICLE 24. HOSPITAL SERVICE CORPORATIONS, MEDICAL SERVICE CORPORATIONS, DENTAL SERVICE CORPORATIONS AND HEALTH SERVICE CORPORATIONS.**

**§33-24-7u. Cost sharing in prescription epinephrine drugs; limit.**

1 Notwithstanding any other provision of this code, a policy, plan, or contract that is issued  
 2 or renewed on or after June 30, 2020, and that is subject to this article that provides coverage for  
 3 prescription epinephrine drugs shall cap the total amount that a covered person is required to pay  
 4 for a covered prescription epinephrine drug at an amount not to exceed \$100 per 30-day supply  
 5 of the drug, regardless of the amount of epinephrine needed to fill the covered person’s  
 6 prescription.

**ARTICLE 25. HEALTH CARE CORPORATIONS.**

**§33-25-8r. Cost sharing in prescription epinephrine drugs; limit.**

1 Notwithstanding any other provision of this code, a policy, plan, or contract that is issued  
 2 or renewed on or after June 30, 2020, and that is subject to this article that provides coverage for  
 3 prescription epinephrine drugs shall cap the total amount that a covered person is required to pay  
 4 for a covered prescription epinephrine drug at an amount not to exceed \$100 per 30-day supply  
 5 of the drug, regardless of the amount of epinephrine needed to fill the covered person’s  
 6 prescription.

**ARTICLE 25A. HEALTH MAINTENANCE ORGANIZATION ACT.**

**§33-25A-8u. Cost sharing in prescription epinephrine drugs; limit.**

1 Notwithstanding any other provision of this code, a policy, plan, or contract that is issued  
 2 or renewed on or after June 30, 2020, and that is subject to this article that provides coverage for

- 3 prescription epinephrine drugs shall cap the total amount that a covered person is required to pay  
4 for a covered prescription epinephrine drug at an amount not to exceed \$100 per 30-day supply  
5 of the drug, regardless of the amount of epinephrine needed to fill the covered person's  
6 prescription.

NOTE: The purpose of this bill is to cap, under an insurance policy or a discount prescription drug plan, the total amount that a covered person is required to pay for a covered prescription epinephrine drug. The cap may not exceed \$100 per 30-day supply of the drug, regardless of the amount of epinephrine needed to fill the covered person's prescription.

Strike-throughs indicate language that would be stricken from a heading or the present law, and underscoring indicates new language that would be added.