


1 
2 Chairman Phil Mendelson


Councilmember Mary M. Cheh

3
4
5 A BILL
6
7 _____
8

9 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
10
11 _____
12

13 Councilmember Mary M. Cheh introduced the following bill, which was referred to the
14 Committee on _____.

15
16 To amend the Prohibition of Discrimination in the Provision of Insurance Act of 1986 to prohibit
17 insurance companies from factoring the use of pre-exposure prophylaxis in decisions
18 related to the issuance of disability, life, or long-term care insurance policies.
19

20 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
21 act may be cited as the “Pre-exposure Prophylaxis Insurance Discrimination Amendment Act of
22 2018”.

23 Sec. 2. The Prohibition of Discrimination in the Provision of Insurance Act of 1986,
24 effective August 7, 1986 (D.C. Law 6-132; D.C. Official Code § 31-1601 *et seq.*), is amended as
25 follows:

26 (a) Section 2 (D.C. Official Code § 31-1601) is amended by adding a new paragraph (8)
27 to read as follows:

28 “(8) “Pre-exposure prophylaxis” means daily oral antiretroviral medication with a
29 fixed-dose combination of tenofovir disoproxil fumarate and emtricitabine.”.

30 (b) A new section 12 is added to read as follows:

31 “Sec. 12. Prohibition against discrimination in use of pre-exposure prophylaxis.
32
33

34 “(a) No life, disability income, or long-term care insurance policy or contract shall
35 contain any exclusion, reduction, or other limitation of benefits related to the use of pre-exposure
36 prophylaxis when taken pursuant to a valid prescriber’s order.

37 “(b) In reviewing an application for life, disability income, or long-term care insurance,
38 no insurer, or an agent, broker, or employee of the insurer shall factor the use of pre-exposure
39 prophylaxis when taken pursuant to a valid prescriber’s order into a decision regarding:

40 “(1) Whether to issue, renew, or cancel a policy;

41 “(2) The rates, premiums, dues, assessments, benefits covered, or expenses
42 reimbursable under the policy; or

43 “(3) The duration or terms of the policy.

44 “(c) In addition to any applicable penalties provided in section 9, an insurer, or an agent,
45 broker, or employee of the insurer shall be fined not less than \$1,000, and not more than
46 \$10,000, for each violation of this section.”.

47 Sec. 3. Fiscal impact statement.

48 The Council adopts the fiscal impact statement in the committee report as the fiscal
49 impact statement required by section 4a of the General Legislative Procedures Act of 1975,
50 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

51 Sec. 4. Effective date.

52 This act shall take effect following approval by the Mayor (or in the event of veto by the
53 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
54 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
55 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
56 Columbia Register.