
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1213 Session of
2023

INTRODUCED BY KHAN, KENYATTA, KOSIEROWSKI, KRAJEWSKI, SCOTT,
PROBST, RABB, HOHENSTEIN, MADDEN, HANBIDGE, WAXMAN, ISAACSON,
SANCHEZ, BOROWSKI, PARKER, HILL-EVANS, SHUSTERMAN, ROZZI,
INNAMORATO, O'MARA, FLEMING, DELLOSO, McNEILL AND MAYES,
MAY 19, 2023

REFERRED TO COMMITTEE ON HEALTH, MAY 19, 2023

AN ACT

1 Requiring health insurance policies to provide coverage for pre-
2 exposure prophylaxis and post-exposure prophylaxis HIV
3 medication and associated laboratory tests and patient
4 visits.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Short title.

8 This act shall be known and may be cited as the PrEP and PEP
9 for Pennsylvania Act.

10 Section 2. Definitions.

11 The following words and phrases when used in this act shall
12 have the meanings given to them in this section unless the
13 context clearly indicates otherwise:

14 "Health care provider." A licensed hospital or health care
15 facility or a person licensed, certified or otherwise regulated
16 to provide health care services under the laws of this
17 Commonwealth, including a physician, psychologist, emergency

1 medical services worker, advanced practice registered nurse or
2 physician's assistant.

3 "Health insurance policy." As follows:

4 (1) An individual or group health insurance policy,
5 contract or plan that provides medical or health care
6 coverage by a health care provider on an expense-incurred
7 service or prepaid basis that is offered by or is governed
8 under any of the following:

9 (i) The act of May 17, 1921 (P.L.682, No.284), known
10 as The Insurance Company Law of 1921.

11 (ii) The act of December 29, 1972 (P.L.1701,
12 No.364), known as the Health Maintenance Organization
13 Act.

14 (iii) The act of May 18, 1976 (P.L.123, No.54),
15 known as the Individual Accident and Sickness Insurance
16 Minimum Standards Act.

17 (iv) 40 Pa.C.S. Ch. 61 (relating to hospital plan
18 corporations) or 63 (relating to professional health
19 services plan corporations).

20 (2) The term does not include accident only, fixed
21 indemnity, limited benefit, credit, dental, vision, specified
22 disease, Medicare supplement, Civilian Health and Medical
23 Program of the Uniformed Services (CHAMPUS) supplement, long-
24 term care or disability income, workers' compensation or
25 automobile medical payment insurance.

26 "PEP." A post-exposure prophylaxis HIV medication that is
27 approved by the United States Food and Drug Administration and
28 that can be taken as a prophylaxis to prevent the transmission
29 of the human immunodeficiency virus after a person is exposed.

30 "PrEP." A pre-exposure prophylaxis HIV medication that is

1 approved by the United States Food and Drug Administration and
2 that can be taken as a prophylaxis to prevent the transmission
3 of the human immunodeficiency virus before a person is exposed.

4 "Prescriber." A person licensed, registered or otherwise
5 lawfully authorized to distribute, dispense or administer
6 medication.

7 Section 3. Mandated coverage.

8 (a) Requirements.--

9 (1) A health insurance policy that is delivered, issued
10 for delivery, renewed, extended or modified in this
11 Commonwealth on or after the effective date of this
12 subsection shall provide coverage for all the expenses
13 associated with PEP and PrEP, including the costs of
14 associated laboratory tests, patient visits to a health care
15 provider for the purpose of HIV medication counseling and
16 patient visits to a prescriber to have PEP and PrEP
17 prescribed or maintained.

18 (2) A patient shall not incur any copay, coinsurance,
19 deductible or other cost-sharing for any of the expenses
20 associated with PEP and PrEP, including the costs of
21 associated laboratory tests, patient visits to a health care
22 provider for the purpose of HIV medication counseling and
23 patient visits to a prescriber to have PEP or PrEP prescribed
24 or maintained.

25 (b) Specialty tier.--A provider of a health insurance policy
26 may not move a PEP or PrEP, or an associated laboratory service
27 for monitoring, visit to a health care provider or visit to a
28 prescriber, into a specialty tier solely for monetary gain.

29 (c) Counseling.--Unless medically necessary, a health
30 insurance policy shall not impose counseling by an infectious

1 disease specialist or immunologist as a condition to receive PEP
2 or PrEP, or an associated laboratory service for monitoring,
3 visit to a health care provider or visit to a prescriber.

4 Section 4. Effective date.

5 This act shall take effect in 60 days.