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Lopez, McDowell, Paradee, Sokola, Sturgeon, Walsh

HOUSE OF REPRESENTATIVES  
150th GENERAL ASSEMBLY

HOUSE BILL NO. 263

AN ACT TO AMEND TITLE 18 AND TITLE 29 OF THE DELAWARE CODE RELATING TO COST SHARING IN  
PRESCRIPTION INSULIN DRUGS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1           Section 1. Amend Chapter 33, Title 18 of the Delaware Code by making deletions as shown by strike through and  
2     insertions as shown by underline as follows:

3           § 3344B. Cost sharing in prescription insulin drugs.

4           (a) For purposes of this section, "prescription insulin drug" means a drug containing insulin that is dispensed under  
5     Chapter 47 of Title 16 for the treatment of diabetes.

6           (b) An individual health insurance policy, contract, or certificate that is delivered, issued for delivery, renewed,  
7     extended, or modified in this State that provides coverage for prescription insulin drugs must do all of the following:

8                     (1) Cap the total amount that a covered individual is required to pay for covered prescription insulin drugs at  
9                     no more than \$100 per month for each enrolled individual, regardless of the amount or types of insulin needed to fill  
10                    the covered individual's prescriptions.

11                    (2) Include at least 1 formulation of insulin on the lowest tier of the drug formulary developed and maintained  
12                    by the carrier.

13           (c) Nothing in this section prevents the operation of a policy provision required by this section as a deductible,  
14     coinsurance, allowable charge limitation, coordination of benefits, or a provision restricting coverage to services by a  
15     licensed, certified, or carrier-approved provider or facility.

16           (d) This section applies to all policies, contracts, or certificates issued, renewed, modified, altered, amended, or  
17     reissued after January 1, 2021.

18           Section 2. Amend Chapter 35, Title 18 of the Delaware Code by making deletions as shown by strike through and  
19     insertions as shown by underline as follows:

20           § 3560A. Cost sharing in prescription insulin drugs.

21 (a) For purposes of this section, “prescription insulin drug” means a drug containing insulin that is dispensed under  
22 Chapter 47 of Title 16 for the treatment of diabetes.

23 (b) An individual health insurance policy, contract, or certificate that is delivered, issued for delivery, renewed,  
24 extended, or modified in this State that provides coverage for prescription insulin drugs must do all of the following:

25 (1) Cap the total amount that a covered individual is required to pay for covered prescription insulin drugs at  
26 no more than \$100 per month for each enrolled individual, regardless of the amount or types of insulin needed to fill  
27 the covered individual’s prescriptions.

28 (2) Include at least 1 formulation of insulin on the lowest tier of the drug formulary developed and maintained  
29 by the carrier.

30 (c) Nothing in this section prevents the operation of a policy provision required by this section as a deductible,  
31 coinsurance, allowable charge limitation, coordination of benefits, or a provision restricting coverage to services by a  
32 licensed, certified, or carrier-approved provider or facility.

33 (d) This section applies to all policies, contracts, or certificates issued, renewed, modified, altered, amended, or  
34 reissued after January 1, 2021.

35 Section 3. Amend Chapter 52, Title 29 of the Delaware Code by making deletions as shown by strike through and  
36 insertions as shown by underline as follows:

37 § 5212. Cost sharing in prescription insulin drugs.

38 (a) For purposes of this section, “prescription insulin drug” means a drug containing insulin that is dispensed under  
39 Chapter 47 of Title 16 for the treatment of diabetes.

40 (b) The plan must provide coverage for prescription insulin drugs that does all of the following:

41 (1) Caps the total amount that a covered individual is required to pay for covered prescription insulin drugs at  
42 no more than \$100 per month for each enrolled individual, regardless of the amount or types of insulin needed to fill  
43 the covered individual’s prescriptions.

44 (2) Includes at least 1 formulation of insulin on the lowest tier of the drug formulary developed and  
45 maintained by the carrier.

#### SYNOPSIS

This Act requires that individual, group, and State employee insurance plans cap the amount an individual must pay for insulin prescriptions at \$100 a month and must include at least 1 formulation of insulin on the lowest tier of the drug formulary developed and maintained by the carrier.