

LAWS OF DELAWARE
VOLUME 84
CHAPTER 36
152nd GENERAL ASSEMBLY
FORMERLY
HOUSE BILL NO. 54

AN ACT TO AMEND TITLE 18, TITLE 29, AND TITLE 31 OF THE DELAWARE CODE RELATING TO INSURANCE COVERAGE OF EPINEPHRINE AUTOINJECTORS.

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

Section 1. Amend § 3370D, Title 18 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3370D. Coverage for epinephrine autoinjectors.

(b) All individual health insurance policies, contracts, or certificates that are delivered, issued for delivery, renewed, extended, or modified in this State shall provide coverage for medically-necessary epinephrine autoinjectors ~~for individuals who are 18 years of age or under~~ by including at least 1 formulation of epinephrine autoinjectors on the lowest tier of the drug formulary developed and maintained by the carrier.

(d) ~~This~~ (1) For individuals who are 18 years of age or under, this section applies to all policies, contracts, or certificates issued, renewed, modified, altered, amended, or reissued after December 31, 2021.

(2) For individuals who are more than 18 years of age, this section applies to all policies, contracts, or certificates issued, renewed, modified, altered, amended, or reissued after December 31, 2024.

Section 2. Amend § 3571Y, Title 18 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3571Y. Coverage for epinephrine autoinjectors.

(b) All group and blanket health insurance policies, contracts, or certificates that are delivered, issued for delivery, renewed, extended, or modified in this State shall provide coverage for medically-necessary epinephrine autoinjectors ~~for individuals who are 18 years of age or under~~ by including at least 1 formulation of epinephrine autoinjectors on the lowest tier of the drug formulary developed and maintained by the carrier.

(d) ~~This~~ (1) For individuals who are 18 years of age or under, this section applies to all policies, contracts, or certificates issued, renewed, modified, altered, amended, or reissued after December 31, 2021.

(2) For individuals who are more than 18 years of age, this section applies to all policies, contracts, or certificates issued, renewed, modified, altered, amended, or reissued after December 31, 2024.

(e) This section does not apply to accident-only, specified disease, hospital indemnity, Medicare supplement, long-term care, disability income, or other limited benefit health insurance policies.

Section 3. Amend § 5213, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 5213. Coverage for epinephrine autoinjectors.

(b) The plan shall provide coverage for medically-necessary epinephrine autoinjectors ~~for individuals who are 18 years of age or under~~ by including at least 1 formulation of epinephrine autoinjectors on the lowest tier of the drug formulary developed and maintained by the carrier.

Section 4. Amend § 528, Title 31 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 528. Coverage for epinephrine autoinjectors.

(b) Carriers shall provide coverage for medically-necessary epinephrine ~~autoinjectors for individuals who are 18 years of age or under.~~ autoinjectors.

Approved May 25, 2023