



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB2189

Introduced 2/7/2023, by Rep. Will Guzzardi

SYNOPSIS AS INTRODUCED:

New Act
215 ILCS 5/356z.41

Creates the Access to Affordable Insulin Act. Sets forth provisions concerning an insulin urgent-need program. Provides that each manufacturer shall establish procedures to make insulin available to eligible individuals who are in urgent need of insulin or who are in need of assistance to access an affordable insulin supply. Sets forth provisions concerning insulin urgent-need program exceptions, eligibility, forms, applications, claims and reimbursement, copayments, information sheets, navigators, and penalties. Defines terms. Amends the Illinois Insurance Code. In provisions concerning cost sharing in prescription insulin drugs, provides that an insurer that provides coverage for prescription insulin drugs under the terms of a health coverage plan the insurer offers shall limit the total amount that an insured is required to pay for a 30-day supply of covered prescription insulin drugs at an amount not to exceed \$35 (rather than \$100). Effective immediately.

LRB103 24836 BMS 51168 b

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the Access
5 to Affordable Insulin Act.

6 Section 5. Definitions. As used in this Act:

7 "Department" means the Department of Public Health.

8 "Insulin" means a prescription drug that contains insulin.

9 "Manufacturer" means a manufacturer engaged in the
10 manufacturing of insulin that is self-administered on an
11 outpatient basis.

12 "Navigator" has the meaning described in Section 1311(i)
13 of the Patient Protection and Affordable Care Act, Public Law
14 111-148, and further defined through amendments to that Act
15 and regulations issued under that Act.

16 "Pharmacy" means a pharmacy located in this State.

17 "Prescription drug" means a drug that is required by
18 federal or State law or rule to be dispensed only by
19 prescription or that is restricted to administration only by
20 practitioners.

21 "Urgent need of insulin" means having readily available
22 for use less than a 7-day supply of insulin and in need of
23 insulin in order to avoid the likelihood of suffering

1 significant health consequences.

2 Section 10. Insulin urgent-need program.

3 (a) To be eligible to receive an urgent-need supply of
4 insulin under this Section, an individual must attest to:

5 (1) being a resident of this State;

6 (2) not being enrolled in a medical assistance program
7 under the Illinois Public Aid Code;

8 (3) not being enrolled in prescription drug coverage
9 that limits the total amount of cost sharing that the
10 enrollee is required to pay for a 30-day supply of
11 insulin, including copayments, deductibles, or
12 coinsurance, to \$35 or less, regardless of the type or
13 amount of insulin prescribed;

14 (4) not having received an urgent-need supply of
15 insulin through this program within the previous 12
16 months, unless authorized under subsection (m) or (n); and

17 (5) being in urgent need of insulin.

18 (b) The Department shall develop an application form to be
19 used by an individual who is in urgent need of insulin. The
20 application must ask the individual to attest to the
21 eligibility requirements described in subsection (a). The form
22 shall be accessible through the Department's website. The
23 Department shall also make the form available to pharmacies
24 and health care providers who prescribe or dispense insulin,
25 hospital emergency departments, urgent care clinics, and

1 community health clinics. By submitting a completed, signed,
2 and dated application to a pharmacy, the individual attests
3 that the information contained in the application is correct.

4 (c) If an individual is in urgent need of insulin, the
5 individual may present a completed, signed, and dated
6 application form to a pharmacy. The individual must also:

7 (1) have a valid insulin prescription; and

8 (2) present the pharmacist with identification
9 indicating Illinois residency in the form of a valid
10 Illinois identification card, driver's license, or permit;
11 if the individual in urgent need of insulin is under the
12 age of 18, the individual's parent or legal guardian must
13 provide the pharmacist with proof of residency.

14 (d) Upon receipt of a completed and signed application, a
15 pharmacist shall dispense the prescribed insulin in an amount
16 that will provide the individual with a 30-day supply. The
17 pharmacy shall notify the health care practitioner who issued
18 the prescription order no later than 72 hours after the
19 insulin is dispensed.

20 (e) A pharmacy may submit to the manufacturer of the
21 dispensed insulin product or to the manufacturer's vendor a
22 claim for payment that is in accordance with the National
23 Council for Prescription Drug Program standards for electronic
24 claims processing, unless the manufacturer agrees to send to
25 the pharmacy a replacement supply of the same insulin as
26 dispensed in the amount dispensed. If the pharmacy submits an

1 electronic claim to the manufacturer or the manufacturer's
2 vendor, the manufacturer or vendor shall reimburse the
3 pharmacy in an amount that covers the pharmacy's acquisition
4 cost.

5 (f) A pharmacy may collect an insulin copayment from an
6 individual to cover the pharmacy's costs of processing and
7 dispensing in an amount not to exceed \$35 for the 30-day supply
8 of insulin dispensed.

9 (g) The pharmacy shall also provide each eligible
10 individual with the information sheet described in subsection
11 (i) and a list of trained navigators provided by the
12 Department for the individual to contact if the individual is
13 in need of accessing ongoing insulin coverage options,
14 including assistance in:

15 (1) applying for medical assistance;

16 (2) applying for a qualified health plan, subject to
17 open and special enrollment periods;

18 (3) accessing information on providers who participate
19 in prescription drug discount programs, including
20 providers who are authorized to participate in the 340B
21 program under Section 340b of the Public Health Services
22 Act, Section 256b of Title 42 of the United States Code;
23 and

24 (4) accessing insulin manufacturers' copayment
25 assistance programs and other foundation-based programs.

26 (h) A pharmacist shall retain a copy of the application

1 form submitted by the individual to the pharmacy for reporting
2 and auditing purposes.

3 (i) The Department shall develop an information sheet to
4 post on its website and provide a link to the information sheet
5 on the board's website for pharmacies, health care
6 practitioners, hospital emergency departments, urgent care
7 clinics, and community health clinics. The information sheet
8 shall contain:

9 (1) a description of the urgent-need insulin program,
10 including how to access the program;

11 (2) a description of each insulin manufacturer's
12 cost-sharing assistance program, including contact
13 information on accessing the assistance program for each
14 manufacturer;

15 (3) information on how to contact a trained navigator
16 for assistance in applying for medical assistance or a
17 qualified health plan; and

18 (4) notification that an individual in need of
19 assistance may contact the individual's local county
20 social service department for more information or
21 assistance in accessing ongoing affordable insulin
22 options.

23 (j) The Department shall also inform each individual who
24 accesses urgent-need insulin under this Section that the
25 individual may participate in a survey conducted by the
26 Department regarding satisfaction with the program. The

1 Department shall provide contact information for the
2 individual to learn more about the survey and how to
3 participate. This information may be included on the
4 information sheet described in subsection (i).

5 (k) The Department shall develop a training program for
6 navigators to provide navigators with information and
7 resources necessary to assist individuals in accessing
8 appropriate long-term insulin options.

9 (l) The Department shall compile a list of navigators who
10 have completed the training program and who are available to
11 assist individuals in accessing affordable insulin coverage
12 options. The list shall be made available through the
13 Department's website and to pharmacies and health care
14 practitioners who dispense and prescribe insulin.

15 (m) If an individual has applied for the medical
16 assistance program under the Illinois Public Aid Code but has
17 not been determined eligible or has been determined eligible
18 but coverage has not become effective, the individual may
19 access urgent-need insulin if the individual is in urgent need
20 of insulin as defined in Section 5.

21 (n) To access an additional 30-day supply of insulin, an
22 individual must attest to the pharmacy that the individual
23 meets the requirements of subsection (m) and must comply with
24 subsection (c).

25 Section 90. The Illinois Insurance Code is amended by

1 changing Section 356z.41 as follows:

2 (215 ILCS 5/356z.41)

3 Sec. 356z.41. Cost sharing in prescription insulin drugs;
4 limits; confidentiality of rebate information.

5 (a) As used in this Section, "prescription insulin drug"
6 means a prescription drug that contains insulin and is used to
7 control blood glucose levels to treat diabetes but does not
8 include an insulin drug that is administered to a patient
9 intravenously.

10 (b) This Section applies to a group or individual policy
11 of accident and health insurance amended, delivered, issued,
12 or renewed on or after the effective date of this amendatory
13 Act of the 101st General Assembly.

14 (c) An insurer that provides coverage for prescription
15 insulin drugs pursuant to the terms of a health coverage plan
16 the insurer offers shall limit the total amount that an
17 insured is required to pay for a 30-day supply of covered
18 prescription insulin drugs at an amount not to exceed \$35
19 ~~\$100~~, regardless of the quantity or type of covered
20 prescription insulin drug used to fill the insured's
21 prescription.

22 (d) Nothing in this Section prevents an insurer from
23 reducing an insured's cost sharing by an amount greater than
24 the amount specified in subsection (c).

25 (e) The Director may use any of the Director's enforcement

1 powers to obtain an insurer's compliance with this Section.

2 (f) The Department may adopt rules as necessary to
3 implement and administer this Section and to align it with
4 federal requirements.

5 (g) On January 1 of each year, the limit on the amount that
6 an insured is required to pay for a 30-day supply of a covered
7 prescription insulin drug shall increase by a percentage equal
8 to the percentage change from the preceding year in the
9 medical care component of the Consumer Price Index of the
10 Bureau of Labor Statistics of the United States Department of
11 Labor.

12 (Source: P.A. 101-625, eff. 1-1-21.)

13 Section 99. Effective date. This Act takes effect upon
14 becoming law.