

# SENATE BILL 989

J5, J4

4lr2478  
CF HB 939

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By: **Senators Lam, Muse, Brooks, and M. Washington**

Introduced and read first time: February 2, 2024

Assigned to: Finance

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## A BILL ENTITLED

1 AN ACT concerning

2 **Health Insurance – Epinephrine Injectors – Limits on Cost Sharing**  
3 **(Epinephrine Cost Reduction Act of 2024)**

4 FOR the purpose of requiring certain insurers, nonprofit health service plans, and health  
5 maintenance organizations to limit the amount a covered individual is required to  
6 pay in copayments, coinsurance, and deductibles for a covered prescription  
7 epinephrine injector; and generally relating to health insurance coverage for  
8 prescription epinephrine injectors.

9 BY adding to

10 Article – Insurance

11 Section 15–861

12 Annotated Code of Maryland

13 (2017 Replacement Volume and 2023 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

15 That the Laws of Maryland read as follows:

16 **Article – Insurance**

17 **15–861.**

18 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**  
19 **INDICATED.**

20 **(2) (I) “EPINEPHRINE INJECTOR” MEANS A PORTABLE,**  
21 **DISPOSABLE DRUG DELIVERY DEVICE THAT CONTAINS A PREMEASURED SINGLE**  
22 **DOSE OF EPINEPHRINE THAT IS USED TO TREAT ANAPHYLAXIS IN AN EMERGENCY**  
23 **SITUATION.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (II) "EPINEPHRINE INJECTOR" INCLUDES:

2 1. AN AUTO-INJECTOR APPROVED BY THE U.S. FOOD  
3 AND DRUG ADMINISTRATION FOR THE ADMINISTRATION OF EPINEPHRINE; AND

4 2. A PRE-FILLED SYRINGE APPROVED BY THE U.S.  
5 FOOD AND DRUG ADMINISTRATION FOR THE ADMINISTRATION OF EPINEPHRINE  
6 THAT CONTAINS A PRE-MEASURED DOSE OF EPINEPHRINE THAT IS EQUIVALENT TO  
7 THE DOSAGES USED IN AN AUTO-INJECTOR.

8 (B) (1) THIS SECTION APPLIES TO:

9 (I) INSURERS AND NONPROFIT HEALTH SERVICE PLANS THAT  
10 PROVIDE COVERAGE FOR PRESCRIPTION DRUGS AND DEVICES UNDER INDIVIDUAL,  
11 GROUP, OR BLANKET HEALTH INSURANCE POLICIES OR CONTRACTS THAT ARE  
12 DELIVERED IN THE STATE; AND

13 (II) HEALTH MAINTENANCE ORGANIZATIONS THAT PROVIDE  
14 COVERAGE FOR PRESCRIPTION DRUGS AND DEVICES TO INDIVIDUALS OR GROUPS  
15 UNDER CONTRACTS THAT ARE ISSUED OR DELIVERED IN THE STATE.

16 (2) AN INSURER, A NONPROFIT HEALTH SERVICE PLAN, OR A HEALTH  
17 MAINTENANCE ORGANIZATION THAT PROVIDES COVERAGE FOR PRESCRIPTION  
18 DRUGS AND DEVICES THROUGH A PHARMACY BENEFITS MANAGER IS SUBJECT TO  
19 THE REQUIREMENTS OF THIS SECTION.

20 (C) AN ENTITY SUBJECT TO THIS SECTION SHALL LIMIT THE TOTAL AMOUNT  
21 A COVERED INDIVIDUAL IS REQUIRED TO PAY IN COPAYMENTS, COINSURANCE, AND  
22 DEDUCTIBLES FOR A TWIN-PACK OF MEDICALLY NECESSARY PRESCRIPTION  
23 EPINEPHRINE INJECTORS TO NOT MORE THAN \$60, REGARDLESS OF THE TYPE OF  
24 EPINEPHRINE INJECTOR NEEDED TO FILL THE COVERED INDIVIDUAL'S  
25 PRESCRIPTION.

26 (D) AN ENTITY SUBJECT TO THIS SECTION MAY SET THE AMOUNT A  
27 COVERED INDIVIDUAL IS REQUIRED TO PAY AT AN AMOUNT THAT IS LESS THAN THE  
28 PAYMENT AMOUNT LIMIT UNDER SUBSECTION (C) OF THIS SECTION.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to all  
30 policies, contracts, and health benefit plans issued, delivered, or renewed in the State on or  
31 after January 1, 2025.

32 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
33 January 1, 2025.