



## 2023 ASSEMBLY BILL 1044

February 2, 2024 - Introduced by Representatives SUBECK, SHANKLAND, C. ANDERSON, J. ANDERSON, CONLEY, CONSIDINE, DRAKE, EMERSON, JOERS, NEUBAUER, PALMERI, RATCLIFF, SINICKI and STUBBS, cosponsored by Senators HESSELBEIN, SPREITZER, AGARD, LARSON, PFAFF, ROYS, SMITH, TAYLOR and WIRCH. Referred to Committee on Insurance.

**AN ACT** *to amend* 609.83; and *to create* 632.895 (12r) of the statutes; **relating**

**to:** cost-sharing cap on epinephrine auto-injectors under health insurance policies and plans.

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***Analysis by the Legislative Reference Bureau***

This bill prevents every health insurance policy and every self-insured governmental health plan that covers medically necessary epinephrine auto-injectors from imposing cost sharing in an amount that exceeds \$60 for a twin-pack of epinephrine auto-injectors, regardless of the type of epinephrine auto-injector. Health insurance policies are referred to in the bill as disability insurance policies.

This proposal may contain a health insurance mandate requiring a social and financial impact report under s. 601.423, stats.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

**SECTION 1.** 609.83 of the statutes is amended to read:

**609.83 Coverage of drugs and devices.** Limited service health

**ASSEMBLY BILL 1044****SECTION 1**

organizations, preferred provider plans, and defined network plans are subject to ss. 632.853, 632.861, and 632.895 (12r), (16t), and (16v).

**SECTION 2.** 632.895 (12r) of the statutes is created to read:

632.895 **(12r)** EPINEPHRINE AUTO-INJECTORS. (a) In this subsection, “epinephrine auto-injector” means a device used for the automatic injection of epinephrine into the human body to prevent or treat a life-threatening allergic reaction.

(b) Every disability insurance policy, and every self-insured health plan of the state or a county, city, village, town, or school district, that provides coverage of medically necessary epinephrine auto-injectors may not impose cost sharing on epinephrine auto-injectors in an amount that exceeds \$60 for a twin-pack of medically necessary epinephrine auto-injectors, regardless of the type of epinephrine auto-injector.

(c) Nothing in this subsection prohibits a disability insurance policy or self-insured health plan from imposing cost sharing on epinephrine auto-injectors in an amount less than the amount specified under par. (b). Nothing in this paragraph requires a disability insurance policy or self-insured health plan to impose any cost sharing on epinephrine auto-injectors.

**SECTION 3. Initial applicability.**

(1) EPINEPHRINE AUTO-INJECTORS.

(a) For policies and plans containing provisions inconsistent with s. 632.895 (12r), the treatment of s. 632.895 (12r) first applies to policy or plan years beginning

**ASSEMBLY BILL 1044****SECTION 3**

on January 1 of the year following the year in which this paragraph takes effect, except as provided in par. (b).

(b) For policies and plans that are affected by a collective bargaining agreement containing provisions inconsistent with s. 632.895 (12r), the treatment of s. 632.895 (12r) first applies to policy or plan years beginning on the effective date of this paragraph or on the day on which the collective bargaining agreement is newly established, extended, modified, or renewed, whichever is later.

**SECTION 4. Effective date.**

(1) This act takes effect on the first day of the 4th month beginning after publication.

**(END)**