

HOUSE BILL NO. 5944

July 21, 2020, Introduced by Reps. Frederick, Vaupel, Wozniak, Yaroch and Tyrone Carter and referred to the Committee on Health Policy.

A bill to amend 1956 PA 218, entitled
"The insurance code of 1956,"
(MCL 500.100 to 500.8302) by adding section 3406v.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3406v. (1) Subject to section 4 of the health care false
2 claims act, 1984 PA 323, MCL 752.1004, a health insurance policy
3 delivered, issued for delivery, or renewed in this state that
4 provides coverage for prescription drugs must apply any amount paid
5 by the insured or paid on behalf of the insured by another person



1 that is not an unauthorized payer when calculating the insured's
2 overall contribution to any out-of-pocket maximum or any cost-
3 sharing requirement.

4 (2) This section applies to a health insurance policy
5 delivered, issued for delivery, or renewed in this state after
6 December 31, 2021.

7 (3) As used in this section:

8 (a) "Cost-sharing requirement" means any copayment,
9 coinsurance, deductible, or annual limitation on cost sharing,
10 including, but not limited to, a limitation subject to 42 USC
11 18022(c) and 300gg-6(b), required by or on behalf of an insured in
12 order to receive a specific health care service, including a
13 prescription drug, covered by a health insurance policy.

14 (b) "Paid" does not include any form of direct support offered
15 by a manufacturer as that term is defined in section 17706 of the
16 public health code, 1978 PA 368, MCL 333.17706.

17 (c) "Unauthorized payer" means a person that is prohibited
18 from paying for prescription drug coverage by any of the following
19 reasons:

20 (i) Federal law.

21 (ii) The law of this state.

22 (iii) Contractual requirements.

