

House Bill 897

By: Representatives Au of the 50th, Hugley of the 141st, Park of the 107th, Miller of the 62nd,
Frye of the 122nd, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 4 of Title 49 of the Official Code of Georgia Annotated, relating to public
2 assistance, so as to make insulin accessible to individuals who are in urgent need of a
3 short-term affordable insulin supply; to provide for a short title; to provide for definitions;
4 to require a pharmacy to dispense a 30 day supply of insulin to an eligible individual through
5 the Urgent Insulin Safety Net Program; to allow a pharmacy to collect a copayment for
6 insulin dispensed through such program; to provide for a pharmacy to submit a claim for
7 payment or a replacement supply after dispensing insulin through such program; to require
8 a manufacturer to reimburse or resupply a pharmacy dispensing insulin through such
9 program; to provide for a pharmacy to dispense one additional short-term affordable urgent
10 insulin supply under certain conditions; to require the Department of Community Health to
11 develop an application form, an information sheet, and satisfaction surveys regarding such
12 program; to require a manufacturer of insulin to establish procedures to make insulin
13 available under such program; to provide for enforcement, penalties, and appellate
14 procedures; to provide for reporting; to provide for related matters; to provide for an effective
15 date; to repeal conflicting laws; and for other purposes.

16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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41 (8) 'Proper identification' means any document issued by a governmental agency
42 containing a description of the individual, such individual's photograph, or both, and
43 giving such individual's date of birth and includes, without being limited to, a passport,
44 military identification card, driver's license, or an identification card authorized under
45 Code Sections 40-5-100 through 40-5-104. Proper identification shall not include a birth
46 certificate.

47 (9) 'Urgent need of insulin' means having readily available for use less than a seven-day
48 supply of insulin and in need of insulin in order to avoid the likelihood of suffering
49 significant health consequences.

50 49-4-202.

51 (a) Upon receipt of a completed, signed, and dated application form, as provided for in
52 Code Section 49-4-204, proof of proper identification, and a copy of a current valid insulin
53 prescription, a pharmacy shall dispense one 30 day supply of insulin to an eligible
54 individual in urgent need of insulin; provided, however, that a pharmacy may dispense one
55 additional 30 day supply of insulin within a 12 month period to an eligible individual as
56 provided in Code Section 49-4-203.

57 (b) The pharmacy may collect a copayment from the individual to whom insulin was
58 dispensed through the program to cover such pharmacy's costs of processing and
59 dispensing insulin as part of the program in an amount not to exceed \$35.00 for the 30 day
60 supply of insulin dispensed.

61 (c) The pharmacy shall notify the healthcare provider who issued the insulin prescription
62 for the eligible individual no later than 72 hours after the insulin is dispensed.

63 (d) The pharmacy shall submit to the manufacturer of the dispensed insulin product or to
64 the manufacturer's vendor a claim for payment that conforms with the National Council for
65 Prescription Drug Program standards for electronic claims processing. The manufacturer
66 shall timely reimburse the pharmacy in an amount that covers the pharmacy's acquisition

67 cost for the insulin and shall timely send the pharmacy a replacement supply of the same
68 insulin dispensed under the program.

69 (e) When the pharmacy dispenses the insulin to the eligible individual, the pharmacy shall
70 also provide an information sheet and a survey, as provided for in Code Sections 49-4-205
71 and 49-4-206, respectively.

72 (f) The pharmacy shall retain a copy of submitted applications for reporting and auditing
73 purposes.

74 49-4-203.

75 (a) A pharmacy shall dispense one additional 30 day supply of insulin to an eligible
76 individual in urgent need of insulin within a 12 month period if such individual has applied
77 for medical assistance, Georgia Medicaid, or PeachCare for Kids, and has not been
78 determined eligible or has been determined eligible and coverage has not become effective.

79 (b) To access one additional 30 day supply of insulin, such eligible individual shall attest
80 to the pharmacy that the individual meets the requirements of subsection (a) of this Code
81 section and shall be in compliance with the requirements provided in Code
82 Section 49-4-204.

83 49-4-204.

84 (a) To be deemed eligible for services under this article, an individual shall attest on an
85 application form as provided for in subsection (b) of this Code section that the individual:

86 (1) Is a resident of this state;

87 (2) Is not enrolled in any medical assistance or other health coverage or prescription drug
88 coverage program that limits such enrollee's total amount of cost-sharing for a 30 day
89 supply of insulin, including copayments, deductibles, or coinsurance, to \$75.00 or less,
90 regardless of the type or amount of insulin prescribed;

91 (3) Has not received insulin through the program within the previous 12 months, except
92 as provided in Code Section 49-4-203; and

93 (4) Has an urgent need of insulin.

94 (b) The department shall develop and make available on its website an application form
95 for the program.

96 49-4-205.

97 (a) The department, in coordination with the board, shall develop an information sheet that
98 shall include, but shall not be limited to:

99 (1) A description of the program, including how to access it;

100 (2) Information on applying for medical assistance;

101 (3) Information on applying for a qualified health benefit plan offered through the
102 exchange as defined in Code Section 33-23-201; and

103 (4) Information on accessing healthcare providers who participate in prescription drug
104 discount programs, including providers who are authorized to participate in the 340B
105 program under section 340B of the federal Public Health Service Act, 42 U.S.C.
106 Section 256b, as amended.

107 (b) The department shall post the information sheet provided for in subsection (a) of this
108 Code section on its website.

109 49-4-206.

110 (a) The department, in coordination with the board, shall develop a survey to assess an
111 eligible individual's satisfaction with the program, including:

112 (1) Adequacy of information available and provided to individuals;

113 (2) Accessibility to insulin; and

114 (3) Individual's ability to access affordable insulin.

115 (b) The department, in coordination with the board, shall develop a survey to assess a
116 pharmacy's satisfaction with the program, including:

117 (1) Timeliness of reimbursement from the manufacturers for insulin dispensed through
118 the program;

119 (2) Ease in submitting claims and insulin product orders to the manufacturers; and

120 (3) Timeliness of receiving insulin replacement orders from the manufacturers.

121 (c) The department shall post the surveys provided for in subsections (a) and (b) of this
122 Code section on its website.

123 49-4-207.

124 Each manufacturer shall:

125 (1) Establish procedures to make insulin available in accordance with this article through
126 pharmacies to eligible individuals who are in urgent need of insulin;

127 (2) Establish a hotline to provide information on the program and shall list on its website
128 information about the program; and

129 (3) Provide for dedicated personnel to promptly respond to individuals, pharmacies, and
130 healthcare providers and the department.

131 49-4-208.

132 (a) Any person who by means of a false statement, failure to disclose information, or
133 impersonation, or by other fraudulent device, obtains or attempts to obtain any assistance,
134 benefit, or payment under this article to which such person is not entitled shall be guilty of
135 a misdemeanor; provided, however, that if the value of the assistance so obtained exceeds
136 \$1,500.00, such person shall be guilty of a felony.

137 (b)(1) If a manufacturer fails to comply with the provisions of this article, the department
138 may assess an administrative penalty of \$200,000.00 per month of such noncompliance.

139 (2) Such penalty shall increase to \$400,000.00 per month if the manufacturer continues
140 to be in noncompliance after six months and shall increase to \$600,000.00 per month if
141 the manufacturer continues to be in noncompliance after one year.

142 (3) The penalty shall remain at \$600,000.00 per month for as long as the manufacturer
143 continues in noncompliance.

144 (c) An individual or entity that is aggrieved by the action of the department pursuant to
145 subsection (a) or (b) of this Code section shall be entitled to a hearing conducted in
146 accordance with Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'

147 49-4-209.

148 (a) By July 1, 2026, and every July 1 thereafter, each manufacturer shall report to the
149 department the following information for the preceding calendar year:

150 (1) The number of Georgia residents who accessed and received insulin through the
151 program;

152 (2) The total value of the insulin, determined by the wholesale acquisition cost of the
153 insulin, provided by the manufacturer for the program;

154 (3) The adequacy and timeliness of the manufacturer in responding to a pharmacy
155 requesting reimbursement or resupply of insulin dispensed through the program;

156 (4) Any administrative penalties assessed under Code Section 49-4-208; and

157 (5) Any additional information deemed necessary by the department.

158 (b) By July 1, 2026, and every July 1 thereafter, a pharmacy that received any applications
159 for the program shall report to the department the following information for the preceding
160 calendar year:

161 (1) The number of applications for an urgent insulin supply received and the number of
162 applications for additional urgent insulin supply received;

163 (2) The reasons for determinations of ineligibility;

164 (3) The amount of insulin dispensed through the program;

- 165 (4) The average and total amount of copayment collected from individuals;
166 (5) The timeliness of manufacturers' responses to requests for payment and re-supply of
167 insulin; and
168 (6) Any additional information deemed necessary by the department.
169 (c) By August 15, 2027, and every August 15 thereafter, the department shall submit to
170 the General Assembly a report regarding the implementation of the program under this
171 article. Such report shall include the following information for the preceding year:
172 (1) The data collected under subsections (a) and (b) of this Code section;
173 (2) The results of the satisfaction surveys provided for in Code Section 49-4-206; and
174 (3) Any additional information deemed necessary by the department to assess the
175 effectiveness of the implementation of the program."

176 **SECTION 2.**

177 This Act shall become effective July 1, 2025.

178 **SECTION 3.**

179 All laws and parts of laws in conflict with this Act are repealed.