

# **WEST VIRGINIA LEGISLATURE**

## **2024 REGULAR SESSION**

**Introduced**

### **Senate Bill 586**

By Senator Caputo

[Introduced January 29, 2024; referred  
to the Committee on Health and Human Resources]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
2 designated §5-16-7h, relating to establishing an insulin safety net program.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 16. WEST VIRGINIA PUBLIC EMPLOYEES INSURANCE ACT.**

**§5-16-7h. Insulin Safety Net Program.**

1 (a) By July 1, 2025, each manufacturer must establish procedures to make insulin  
2 available in accordance with this section to eligible individuals who are in urgent need of insulin  
3 or who are in need of access to an affordable insulin supply.

4 (b) For purposes of this section, the following definitions apply: (1) "manufacturer" means  
5 a manufacturer engaged in the manufacturing of insulin that self-administered on an outpatient  
6 basis; (2) "pharmacy" means a pharmacy located in West Virginia, as defined by section §30-5-  
7 4.

8 (c) Any manufacturer with an annual gross revenue of \$2,000,000 or less from insulin  
9 sales in West Virginia is exempt from this section. To request a waiver under this paragraph, the  
10 manufacturer must submit a request to the Board of Pharmacy that includes documentation  
11 indicating that the manufacturer is eligible for an exemption.

12 (d) An insulin product is exempt from this section if the wholesale acquisition cost of the  
13 insulin is \$8 or less per milliliter or applicable National Council for Prescription Drug Plan billing  
14 unit, for the entire assessment time period, adjusted annually based on the consumer price  
15 index.

16 (e) Eligibility for urgent-need safety net program. To be eligible to receive an urgent-need  
17 supply of insulin under this section, an individual must attest to:

18 (1) Being a West Virginia resident.

19 (2) Not being enrolled in a medical assistance program.

20 (3) Not being enrolled in prescription drug coverage that limits the total amount of cost-  
21 sharing that the enrollee is required to pay for a 30-day supply of insulin, including co-payments,

22 deductibles, or coinsurance, to \$75 or less, regardless of the type or amount of insulin  
23 prescribed.

24 (4) Not having received an urgent-need supply of insulin through this program within the  
25 previous 12 months.

26 (5) Being in urgent need of insulin.

27 (6) For purposes of this subdivision, "urgent need of insulin" means having readily  
28 available for use less than a seven-day supply of insulin and in need of insulin in order to avoid  
29 the likelihood of suffering significant health consequences.

30 (f) To access to urgent-need insulin, the West Virginia Board of Pharmacy shall develop  
31 an application form to be used by an individual who is in urgent need of insulin.

32 (1) The application must ask the individual to attest to the eligibility requirements  
33 described in subsection (e).

34 (2) The form shall be accessible through the West Virginia Board of Pharmacy's website  
35 and shall also be available to pharmacies and health care providers who prescribe or dispense  
36 insulin, hospital emergency departments, urgent care clinics, and community health clinics.

37 (g) By submitting a completed, signed, and dated application to a pharmacy, the  
38 individual attests that the information contained in the application is correct. If the individual is in  
39 urgent need of insulin, the individual may present a completed, signed, and dated application  
40 form to a pharmacy. The individual must also:

41 (1) Have a valid insulin prescription; and

42 (2) Present the pharmacist with identification indicating West Virginia residency in the  
43 form of a valid West Virginia identification card, driver's license, or permit.

44 (3) If the individual in urgent need of insulin is under the age of 18, the individual's parent  
45 or legal guardian must provide the pharmacist with proof of residency.

46 (h) Upon receipt of a completed and signed application, the pharmacist shall dispense  
47 the prescribed insulin in an amount that will provide the individual with a 30-day supply. The

48 pharmacy must notify the health care practitioner who issued the prescription order no later than  
49 72 hours after the insulin is dispensed.

50 (i) The pharmacy may submit to the manufacturer of the dispensed insulin product or to  
51 the manufacturer's vendor a claim for payment that is in accordance with the National Council  
52 for Prescription Drug Program standards for electronic claims processing, unless the  
53 manufacturer agrees to send to the pharmacy a replacement supply of the same insulin as  
54 dispensed in the amount dispensed. If the pharmacy submits an electronic claim to the  
55 manufacturer or the manufacturer's vendor, the manufacturer or vendor shall reimburse the  
56 pharmacy in an amount that covers the pharmacy's acquisition cost.

57 (j) The pharmacy may collect an insulin co-payment from the individual to cover the  
58 pharmacy's costs of processing and dispensing in an amount not to exceed \$35 for the 30-day  
59 supply of insulin dispensed.

60 (k) The pharmacist shall retain a copy of the application form submitted by the individual  
61 to the pharmacy for reporting and auditing purposes.

NOTE: The purpose of this bill is to establish an insulin safety net program.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.