

## ILIC Legislative Committee – Call Summary

October 25, 2019

The House and Senate return on Monday for the first week of the fall veto session with little to no “veto” action expected (the Governor only issued one amendatory veto and 7 total bill vetoes). Lawmakers are expected to take up other issues, including the possibility of revisiting health insurance rate regulation and capping copayments for insulin products.

### **Rate Approval Authority**

The Senate could take up another floor vote on legislation that, if approved, would give the Director of Insurance the authority to disapprove unreasonable or inadequate rate increases for all ACA-compliant individual and small group accident and health insurance policies.

[SB 665 \(Fine\)](#), as amended, was approved by the Senate Human Services Committee in May after the sponsor failed to receive a vote for a similar bill - [HB 471 \(Morgan/Fine\)](#)- in the Senate Insurance Committee. SB 665, however, fell short of passage on the Senate floor by one vote and was placed on postponed consideration.

ILIC continues to oppose the bill. The measure still must go through the House even if it is approved by the Senate in the fall veto session.

### **Insulin Copay Caps**

The Senate may also take up another measure that emerged late in May proposing a \$100 cap on copayments for insulin. [Senate Amendment #1 to SB 667 \(Manar\)](#) did not receive a committee vote or hearing during the spring session, but the sponsor has since launched a media campaign along with AARP touting the bill. The legislation also includes a provision giving the AG investigative authority over insulin prescription drug pricing practices.

ILIC requested changes to ensure the cap was applied on a per prescription basis; however a forthcoming amendment is only expected to expand application of the provisions to include state group health and other school and municipal plans, as well as apply the changes to policies issued on or after January 1, 2020. The forthcoming amendment is also expected to include provisions establishing a new assessment on drug manufacturers to support a state-operated emergency access to insulin program (modeled after proposals in Minnesota). CO became the first and only state to implement a monthly cap on insulin copayments this spring.

Like SB 665, SB 667 will also have to go through the House if it is approved by the Senate this veto session.

### **Data Privacy**

The Senate is NOT expected to take up legislation establishing consumer disclosure requirements and protections for use of personal data. [HB 3358 \(Turner/T. Cullerton\)](#), as amended, currently contains a blanket exemption for HIPAA and GLBA-regulated entities. Legislators have indicated, however, that these blanket exemptions are not likely to receive ongoing support as the provisions are negotiated in the 2020 spring session.

ILIC is scheduled to meet with the Director of Insurance and Department staff on this issue on November 21.

**Other Issues**

The House Rules has moved SB 659 (Aquino/Willis) and [SB 1909 \(Castro/Greenwood\)](#) to House Second Reading. [Previous amendments to SB 659](#) contained a proposed mandate requiring coverage for charges and services related to congenital birth defects and anomalies while SB 1909 contained provisions mandated behavioral health services for pregnant and postpartum women with restrictions on prior authorization and concurrent review. Both bills are expected to serve as vehicles for other issues, but ILIC will continue to monitor these closely.

**UPCOMING MEETINGS:**

October 28 – October 30; November 12 – 14 – Fall Veto Session

October 28 – Larry’s Celebration

November 21 – Cybersecurity/Data Privacy meeting with DOI

*If anyone has any feedback on any specific bills or any questions, please do not hesitate in reaching out to Laura at [ilicminzer@gmail.com](mailto:ilicminzer@gmail.com) or Larry at [ilicbarry@gmail.com](mailto:ilicbarry@gmail.com).*