

**PRESCRIPTION DRUG IMPORTATION AMENDMENTS**

2020 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Daniel Hemmert**

House Sponsor: Norman K. Thurston

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**LONG TITLE**

**General Description:**

This bill creates a program and reporting requirements relating to the importation of prescription drugs.

**Highlighted Provisions:**

This bill:

- ▶ requires the Department of Health to submit a request to the United States Department of Health and Human Services for a prescription drug importation program;
- ▶ if the request for a prescription drug importation program is approved, requires the Public Employees' Benefit and Insurance Program to operate a two-year pilot prescription drug importation program for the state's health insurance risk pool;
- ▶ creates various reporting requirements; and
- ▶ creates a sunset date for the provisions in this bill.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**63I-1-226**, as last amended by Laws of Utah 2019, Chapters 67, 136, 246, 289, 455 and



last amended by Coordination Clause, Laws of Utah 2019, Chapter 246

**63I-1-249**, as last amended by Laws of Utah 2018, Chapter 357

ENACTS:

**26-1-41**, Utah Code Annotated 1953

**49-20-420**, Utah Code Annotated 1953

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **26-1-41** is enacted to read:

**26-1-41. Prescription drug importation program -- Request -- Resubmission -- Reporting.**

(1) On or before October 1, 2020, the department shall submit a request to the secretary of the United States Department of Health and Human Services to:

(a) certify to the United States Congress under 21 U.S.C. Sec. 384(l) that a wholesale importation program can be implemented in the state in a manner that:

(i) operates as a two-year pilot program for approximately 75,000 Utah public employees and dependents who make up the state's health insurance risk pool created in Subsection **49-20-201**(1)(a);

(ii) poses no additional risk to the public's health and safety; and

(iii) results in a significant reduction in the cost of covered prescription drugs and prescription devices to the state and participating public employees; and

(b) review information in the department's request to determine whether the request meets the requirements in 21 U.S.C. Sec. 384(l).

(2) The request described in Subsection (1) shall include:

(a) the findings of any prescription drug importation study that is available to the department;

(b) a description of how the Utah prescription drug importation program will be designed by the department, in collaboration with the Public Employees' Benefit and Insurance Program, to:

(i) operate as a two-year pilot program for the state health insurance risk pool created in Subsection **49-20-204**(1)(a);

(ii) comply with existing state and federal law; and

(iii) ensure no additional risk to the public's health and safety; and

(c) an estimate of the reduction in cost of:

(i) covered prescription drugs and prescription devices; and

(ii) health insurance premiums.

(3) If the department does not believe that the department will be able to submit the request described in Subsection (1) on or before October 1, 2020, the department shall report to the Health and Human Services Interim Committee before October 1, 2020, on:

(a) the reason for the delay in submitting the request;

(b) any steps that the department has taken to prepare the request; and

(c) when the department believes that the request will be ready for submission.

(4) If the request described in Subsection (1) to operate a prescription drug importation program is not approved by the secretary of the United States Department of Health and Human Services, the department shall submit a new request with the information described in Subsections (1) and (2) on or before October 1 of each year until the earlier of:

(a) approval of the request to operate a prescription drug importation program; and

(b) October 1, 2024.

(5) On or before December 1 of each year that the department submits a request under Subsection (1) or (4), the department shall submit a written report to the Health and Human Services Interim Committee regarding the results of the request and any updated findings and recommendations regarding the implementation of a prescription drug importation program.

(6) The department shall seek grant funding to prepare a request under this section.

Section 2. Section **49-20-420** is enacted to read:

**49-20-420. Prescription drug importation program -- Reporting.**

(1) The program shall collaborate with the Department of Health to develop a request under Section [26-1-41](#) for the program to operate a prescription drug importation program.

(2) If the request under Section [26-1-41](#) to operate a prescription drug importation program is approved, the program shall:

(a) implement a prescription drug importation program that:

(i) operates as a two-year pilot program for approximately 75,000 Utah public employees and dependents who make up the state's health insurance risk pool created in Subsection [49-20-201](#)(1)(a);

90 (ii) poses no additional risk to the public's health and safety;  
91 (iii) results in a significant reduction in the cost of covered prescription drugs and  
92 prescription devices to the state and participating public employees; and  
93 (iv) complies with existing state and federal law; and  
94 (b) on or before December 1 of each year after the request to operate a prescription  
95 drug importation program is granted, submit a written report to the Health and Human Services  
96 Interim Committee regarding the results of the pilot program and any updated findings and  
97 recommendations for expanding access to the prescription drug importation program  
98 throughout the state.

99 Section 3. Section **63I-1-226** is amended to read:

100 **63I-1-226. Repeal dates, Title 26.**

101 (1) Section **26-1-40** is repealed July 1, 2022.

102 (2) Section **26-1-41** is repealed January 1, 2025.

103 ~~{2}~~ (3) Title 26, Chapter 9f, Utah Digital Health Service Commission Act, is repealed  
104 July 1, 2025.

105 ~~{3}~~ (4) Section **26-10-11** is repealed July 1, 2020.

106 ~~{4}~~ (5) Subsection **26-18-417(3)** is repealed July 1, 2020.

107 ~~{5}~~ (6) Subsection **26-18-418(2)**, the language that states "and the Mental Health  
108 Crisis Line Commission created in Section **63C-18-202**" is repealed July 1, 2023.

109 ~~{6} Section **26-18-419.1** is repealed December 31, 2019.~~

110 (7) Title 26, Chapter 33a, Utah Health Data Authority Act, is repealed July 1, 2024.

111 (8) Title 26, Chapter 36b, Inpatient Hospital Assessment Act, is repealed July 1, 2024.

112 (9) Title 26, Chapter 36c, Medicaid Expansion Hospital Assessment Act, is repealed  
113 July 1, 2024.

114 (10) Title 26, Chapter 36d, Hospital Provider Assessment Act, is repealed July 1, 2024.

115 (11) Title 26, Chapter 54, Spinal Cord and Brain Injury Rehabilitation Fund and  
116 Pediatric Neuro-Rehabilitation Fund, is repealed January 1, 2023.

117 (12) Subsection **26-61a-108(2)(e)(i)**, related to the Native American Legislative  
118 Liaison Committee, is repealed July 1, 2022.

119 (13) Title 26, Chapter 63, Nurse Home Visiting Pay-for-Success Program, is repealed  
120 July 1, 2026.

- 121           Section 4. Section **63I-1-249** is amended to read:
- 122           **63I-1-249. Repeal dates, Title 49.**
- 123           (1) Title 49, Chapter 11, Part 13, Phased Retirement, is repealed January 1, 2022.
- 124           (2) Section [49-20-418](#) is repealed January 1, 2022.
- 125           (3) Section [49-20-420](#) is repealed January 1, 2025.