



## PrEP Assistance Program Statutory Changes from the Budget Trailer Bill 2018

Office of AIDS Fact Sheet 6/29/18

The California Budget Bill was signed by the Governor on June 27, 2018 ([SB 840](#), Statutes of 2018). In conjunction with the budget bill, the trailer bill that accompanies the budget bill was also passed which includes clarifying language regarding the budget ([AB 1810](#), Statutes of 2018).

The California Department of Public Health (CDPH) Office of AIDS (OA) administers the Pre-Exposure Prophylaxis Assistance Program (PrEP-AP) to subsidize the cost of medication for the prevention of HIV infection and other related medical services to eligible individuals. This program has not previously included coverage for individuals under age 18 nor has it included coverage for Post-Exposure Prophylaxis (PEP) or PEP-related medical services. The trailer bill made substantial changes to the PrEP-AP as outlined below.

Health and Safety Code (HSC) section 120972 on the PrEP-AP was amended in the following ways:

1. HSC 120972(a)(1) was amended to include adolescents who may consent to medical care for STD prevention under Family Code section 6926.
  - a. Previously, the law did not allow for PrEP-AP enrollment under age 18.
2. HSC 120972(a)(3) was amended to allow unemancipated minors between the ages of 12 and 17 years to be considered a family size of one for purposes of determining financial eligibility for this program.
  - a. Previously, the law did not allow for PrEP-AP enrollment under age 18.
3. HSC 120972(c)(1) was amended by adding subpart (A) to add coverage for uninsured individuals for the cost of HIV PEP-related medical services for people enrolled in the drug manufacturer's medication assistance program.
  - a. Previously, the law did not include coverage of the costs of PEP-related medical services in the PrEP-AP.
4. HSC 120972(c)(1) was amended by adding subpart (B) to add coverage for the cost of HIV prevention medication (includes PrEP and PEP medication) for individuals who are ineligible for a drug manufacturer's medication assistance program.
  - a. Previously, the law only covered the costs for PrEP-related medical services for uninsured individuals enrolled in a drug manufacturer's PrEP medication assistance program.

5. HSC 120972(c)(2)(A) was amended to add: “Use of the drug manufacturer’s medication assistance program is not required if it is not accepted by the health plan or pharmacy contracted with the health plan.”
  - a. Previously, the law required all eligible people to enroll in the manufacturer’s medication assistance program prior to enrolling in the PrEP-AP.
6. HSC 120972(c)(2)(B) was amended to allow the PrEP-AP to pay for PEP-related medical services for insured individuals.
  - a. Previously, the law did not include coverage for PEP in the PrEP-AP for insured individuals.
7. HSC 120972(c)(2)(C) was added to allow OA to subsidize premiums to purchase or maintain health insurance coverage for individuals using PrEP if the director makes a determination that it is feasible and would result in cost-savings to the state.
  - a. Previously, the law did not allow the PrEP-AP to subsidize health insurance premiums.
8. HSC 120972(d) was added to allow insured individuals on a parent or partner’s health plan to be considered uninsured if they are unable to use their health insurance coverage for confidentiality or safety reasons.
  - a. Previously, the law did not allow for this possibility.
9. HSC 120972(e)(1) and (2) were added to allow the PrEP-AP to subsidize the cost, regardless of eligibility for the program, of (1) 14 days of PrEP and PEP medication and (2) up to 28 days of PEP for victims of sexual assault.
  - a. Previously, the law did not allow for subsidizing of the cost of PrEP without meeting eligibility criteria for the program. Previous law also did not allow for payment for PEP (for anyone including victims of sexual assault).
10. HSC 120972(i)(3) was amended to add a reference to age over 18 years old since this language would not include coverage for minors.
  - a. Previously, the law did not need to differentiate between those over or under age 18 since minors were not included.
11. HSC 120972(k) was added to include an exemption from the rulemaking provisions of the Administrative Procedure Act (APA) for subdivisions c, d, and e.
  - a. Previously, the law did not include an APA rulemaking exemption in this HSC section.

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