

ASSEMBLY, No. 963

STATE OF NEW JERSEY 213th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2008 SESSION

Sponsored by:

Assemblyman SAMUEL D. THOMPSON

District 13 (Middlesex and Monmouth)

SYNOPSIS

Requires insurers and State health care coverage programs to cover cost of HIV vaccine.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



1 AN ACT concerning insurance coverage for an HIV vaccine and
2 supplementing Titles 17, 26, 30, and 52 of the Revised Statutes
3 and Title 17B of the New Jersey Statutes.
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
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8 1. A hospital service corporation contract that provides hospital
9 and medical expense benefits and is delivered, issued, executed or
10 renewed in this State pursuant to P.L.1938, c.366 (C.17:48-1 et
11 seq.), on or after the effective date of this act, shall provide benefits
12 for expenses incurred for a vaccination against the human
13 immunodeficiency virus (HIV) that is approved for marketing by
14 the federal Food and Drug Administration and is recommended by
15 the United States Public Health Service.

16 This section shall not be construed to require a hospital service
17 corporation to provide benefits for any clinical trial relating to an
18 HIV vaccine or for any HIV vaccine that has been approved by the
19 federal Food and Drug Administration in the form of an
20 investigational new drug application.

21 The benefits shall be provided to the same extent as for any other
22 medical condition under the contract.

23 This section shall apply to those hospital service corporation
24 contracts in which the hospital service corporation has reserved the
25 right to change the premium.
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27 2. A medical service corporation contract that provides hospital
28 and medical expense benefits and is delivered, issued, executed or
29 renewed in this State pursuant to P.L.1940, c.74 (C.17:48A-1 et
30 seq.), on or after the effective date of this act, shall provide benefits
31 for expenses incurred for a vaccination against the human
32 immunodeficiency virus (HIV) that is approved for marketing by
33 the federal Food and Drug Administration and is recommended by
34 the United States Public Health Service.

35 This section shall not be construed to require a medical service
36 corporation to provide benefits for any clinical trial relating to an
37 HIV vaccine or for any HIV vaccine that has been approved by the
38 federal Food and Drug Administration in the form of an
39 investigational new drug application.

40 The benefits shall be provided to the same extent as for any other
41 medical condition under the contract.

42 This section shall apply to those medical service corporation
43 contracts in which the medical service corporation has reserved the
44 right to change the premium.
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46 3. A health service corporation contract that provides hospital
47 and medical expense benefits and is delivered, issued, executed or
48 renewed in this State pursuant to P.L.1985, c.236 (C.17:48E-1 et

1 seq.), on or after the effective date of this act, shall provide benefits
2 for expenses incurred for a vaccination against the human
3 immunodeficiency virus (HIV) that is approved for marketing by
4 the federal Food and Drug Administration and is recommended by
5 the United States Public Health Service.

6 This section shall not be construed to require a health service
7 corporation to provide benefits for any clinical trial relating to an
8 AIDS vaccine or for any AIDS vaccine that has been approved by
9 the federal Food and Drug Administration in the form of an
10 investigational new drug application.

11 The benefits shall be provided to the same extent as for any other
12 medical condition under the contract.

13 This section shall apply to those health service corporation
14 contracts in which the health service corporation has reserved the
15 right to change the premium.

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17 4. An individual health insurance policy that provides hospital
18 and medical expense benefits and is delivered, issued, executed or
19 renewed in this State pursuant to chapter 26 of Title 17B of the New
20 Jersey Statutes, on or after the effective date of this act, shall
21 provide benefits for expenses incurred for a vaccination against the
22 human immunodeficiency virus (HIV) that is approved for
23 marketing by the federal Food and Drug Administration and is
24 recommended by the United States Public Health Service.

25 This section shall not be construed to require an insurer to
26 provide benefits for any clinical trial relating to an HIV vaccine or
27 for any HIV vaccine that has been approved by the federal Food and
28 Drug Administration in the form of an investigational new drug
29 application.

30 The benefits shall be provided to the same extent as for any other
31 medical condition under the policy.

32 This section shall apply to those policies in which the insurer has
33 reserved the right to change the premium.

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35 5. A group health insurance policy that provides hospital and
36 medical expense benefits and is delivered, issued, executed or
37 renewed in this State pursuant to chapter 27 of Title 17B of the New
38 Jersey Statutes, on or after the effective date of this act, shall
39 provide benefits for expenses incurred for a vaccination against the
40 human immunodeficiency virus (HIV) that is approved for
41 marketing by the federal Food and Drug Administration and is
42 recommended by the United States Public Health Service.

43 This section shall not be construed to require an insurer to
44 provide benefits for any clinical trial relating to an HIV vaccine or
45 for any HIV vaccine that has been approved by the federal Food and
46 Drug Administration in the form of an investigational new drug
47 application.

1 The benefits shall be provided to the same extent as for any other
2 medical condition under the policy.

3 This section shall apply to those policies in which the insurer has
4 reserved the right to change the premium.

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6 6. An individual health benefits plan that provides hospital and
7 medical expense benefits and is delivered, issued, executed or
8 renewed in this State pursuant to P.L.1992, c.161 (C.17B:27A-2 et
9 seq.), on or after the effective date of this act, shall provide benefits
10 for expenses incurred for a vaccination against the human
11 immunodeficiency virus (HIV) that is approved for marketing by
12 the federal Food and Drug Administration and is recommended by
13 the United States Public Health Service.

14 This section shall not be construed to require a health benefits
15 plan to provide benefits for any clinical trials relating to an HIV
16 vaccine or for any HIV vaccine that has been approved by the
17 federal Food and Drug Administration in the form of an
18 investigational new drug application.

19 The benefits shall be provided to the same extent as for any other
20 medical condition under the health benefits plan.

21 This section shall apply to those health benefits plans in which
22 the carrier has reserved the right to change the premium.

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24 7. A small employer health benefits plan that provides hospital
25 and medical expense benefits and is delivered, issued, executed or
26 renewed in this State pursuant to P.L.1992, c.162 (C.17B:27A-17 et
27 seq.), on or after the effective date of this act, shall provide benefits
28 for expenses incurred for a vaccination against the human
29 immunodeficiency virus (HIV) that is approved for marketing by
30 the federal Food and Drug Administration and is recommended by
31 the United States Public Health Service.

32 This section shall not be construed to require a health benefits
33 plan to provide benefits for any clinical trials relating to an HIV
34 vaccine or for any HIV vaccine that has been approved by the
35 federal Food and Drug Administration in the form of an
36 investigational new drug application.

37 The benefits shall be provided to the same extent as for any other
38 medical condition under the health benefits plan.

39 This section shall apply to those health benefits plans in which
40 the carrier has reserved the right to change the premium.

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42 8. A health maintenance organization contract for health care
43 services that is delivered, issued, executed or renewed in this State
44 pursuant to P.L.1973, c.337 (C.26:2J-1 et seq.), on or after the
45 effective date of this act, shall provide health care services for a
46 vaccination against the human immunodeficiency virus (HIV) that
47 is approved for marketing by the federal Food and Drug

1 Administration and is recommended by the United States Public
2 Health Service.

3 This section shall not be construed to require a health
4 maintenance organization to provide health care services for any
5 clinical trial relating to an HIV vaccine or for any HIV vaccine that
6 has been approved by the federal Food and Drug Administration in
7 the form of an investigational new drug application.

8 The health care services shall be provided to the same extent as
9 for any other medical condition under the contract.

10 This section shall apply to those contracts for health care
11 services under which the right to change the schedule of charges for
12 enrollee coverage is reserved.

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14 9. The State Health Benefits Commission shall ensure that every
15 contract purchased by the commission, on or after the effective date
16 of this act, that provides hospital or medical expense benefits shall
17 provide coverage for expenses incurred for a vaccination against the
18 human immunodeficiency virus (HIV) that is approved for
19 marketing by the federal Food and Drug Administration and is
20 recommended by the United States Public Health Service.

21 This section shall not be construed to require the State Health
22 Benefits Program to provide benefits for any clinical trial relating to
23 an HIV vaccine or for any HIV vaccine that has been approved by
24 the federal Food and Drug Administration in the form of an
25 investigational new drug application.

26 The benefits shall be provided to the same extent as for any other
27 medical condition under the program.

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29 10. The Medicaid program established pursuant to P.L.1968,
30 c.413 (C.30:4D-1 et seq.) and the NJ FamilyCare Program
31 established pursuant to P.L.2005, c.156 (C.30:4J-8 et seq.) shall
32 provide coverage for expenses incurred for a vaccination against the
33 human immunodeficiency virus (HIV) that is approved for
34 marketing by the federal Food and Drug Administration and is
35 recommended by the United States Public Health Service.

36 This section shall not be construed to require the Medicaid
37 program or the NJ FamilyCare Program to provide coverage for any
38 clinical trial relating to an HIV vaccine or for any HIV vaccine that
39 has been approved by the federal Food and Drug Administration in
40 the form of an investigational new drug application.

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42 11. This act shall take effect on the 90th day after enactment,
43 and shall apply to policies or contracts issued or renewed on or after
44 the effective date.

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STATEMENT

This bill requires that health insurers (hospital, medical and health service corporations, commercial individual, small employer and larger group insurers, and health maintenance organizations), the State Health Benefits Program, and the State Medicaid and NJ FamilyCare programs provide coverage for a vaccination against the human immunodeficiency virus (HIV) that is approved for marketing by the federal Food and Drug Administration and is recommended by the United States Public Health Service.

The bill does not require that any insurer or State program provide benefits for any clinical trial relating to an HIV vaccine or for any HIV vaccine that has been approved by the federal Food and Drug Administration in the form of an investigational new drug application.

HIV is the virus that causes acquired immune deficiency syndrome (AIDS). The purpose of this bill is to help create, along with similar legislation in other states, a sufficient incentive to expedite development of an effective HIV vaccine by guaranteeing a market for it. Medical advances in the treatment of HIV and AIDS have led to a dramatic reduction in the number of new AIDS cases and AIDS-related deaths in the United States; however, treatment of HIV/AIDS is extremely costly, and more than 90% of new HIV infections outside this country occur in developing countries where the cost of antiretroviral therapy limits its availability to a select few. The only solution to the worldwide AIDS epidemic is an HIV vaccine.