

Insurance and Real Estate Committee

MEETING MINUTES

Tuesday, March 3, 2020

11:00 AM in Room 2D of the LOB

The meeting was called to order at 11:06 AM by Chairman, Sen. Lesser M. S09.

The following committee members were present:

Senators: Anwar S. S03; Bizzarro G. S06; Cassano S. S04; Hartley J. S15;  
Kelly K. S21; Lesser M. S09

Representatives: Dathan L. 142; de la Cruz J. 041; Delnicki T. 014; Floren L. 149;  
Hughes A. 135; Nolan A. 039; O'Neill A. 069; Pavalock-D'Amato C.  
077; Polletta J. 068; Riley E. 046; Rosario C. 128; Scanlon S. 098;  
Turco G. 027; Vail K. 052

Absent were:

Senators: Cassano S. S04

Representatives:

Sen. Lesser, M. S09 greeted everyone and stated they had only two bills to cover that were identical. They focused on the availability of insulin. Hearing no remarks, he moved on to item number III.

**III BILLS FOR REVIEW**

[S.B. No. 1](#) (COMM) AN ACT CONCERNING DIABETES AND HIGH DEDUCTIBLE HEALTH PLANS. (INS)

[H.B. No. 5175](#) (RAISED) AN ACT CONCERNING DIABETES AND HIGH DEDUCTIBLE HEALTH PLANS. (INS)

Sen. Lesser, M. S09 entertained a motion to JF [S.B. No. 1](#) (COMM) AN ACT CONCERNING DIABETES AND HIGH DEDUCTIBLE HEALTH PLANS. (INS)

And

[H.B. No. 5175](#) (RAISED) AN ACT CONCERNING DIABETES AND HIGH DEDUCTIBLE HEALTH PLANS. (INS)

Motioned by Rep. Scanlon, S. 98 and seconded by Rep. Dathan, L. 142.

Sen. Lesser, M. S09 any discussion? Representative Scanlon would you like to withdraw your motion.

Rep. Scanlon, S. 98 I would.

Sen. Lesser, M. S09 then I would like to entertain a motion to JF item number 1 on the calendar Senate Bill number 1 is there a motion.

Motioned by Rep. Scanlon, S. 98 seconded Rep. Dathan, L. 142. Is there discussion? Representative Vail.

Rep. Vail, K. 52 thank you Mr. Chairmen my understanding is we are capping costs on insurance are we doing anything to cap costs on the actual drug itself.

Sen. Lesser, M. S09 not in this bill no.

Rep. Vail, K. 52 so the cost is going to remain the same it's just who is going to pay that cost. Who we are changing here? Would that additional cost go to the insurer?

Sen. Lesser, M. S09 under the Affordable Care Act it's a federal requirement that when you have an insurance plan it covers preventative health care. The IRS recognized that insulin and other diabetic are essential preventative medicine. That's is why they changed the rule regarding high deductible health plans to pay for insulin at the first dollar. We believe that investing in preventative health care will save money overall, it will be good for the health of Connecticut residents who need insulin to stay alive. In regards to if there is additional cost yes it will be born by all policy holders and that's certainly something that we have done before and we will do it again if that's what's intended.

Rep. Vail, K. 52 ok.

Sen. Lesser, M. S09 but I think this will save money.

Rep. Vail, K. 52 ok. So, I certainly agree with the premise and the need to control insulin costs, but I think there might be a better approach. So, if the insulin cost 700 dollars a month and then it would be capped at 50 that other 650 dollars the insurance companies

would eat that 650, but there is nothing to prevent them from spreading that out to all the other policy holders. Is that correct?

Sen. Lesser, M. S09 well right now the market place is responding on its own. CIGNA recently announced a 25-dollar voluntary cap that they are doing on their own because they know that when you have one quarter of type one diabetics rationing their insulin that results in costs on their own. Those costs are born by all of us as well. When we heard testimony of people who were losing toe's and having kidney problems due to rationing that has a cost as well. The question before us is whether making sure that people get insulin on the front end is a cost effect way of keeping the residents of our state healthy? I would suggest that it is Representative. If you disagree that is ok.

Rep. Vail, K. 52 I can appreciate that. Also is there a specific need to have two identical bills one in the Senate and one in the House?

Sen. Lesser, M. S09 in this building we have two chambers Nebraska has one that's the way to go about things. I think this was a bill of interest to both the House and the Senate.

Rep. Vail, K. 52 Alright ok. I certainly recognize the problem I have some concerns I sometimes think that we don't do our due diligence to try and find the best solution. That's what I have concerns about. I think the pharmaceutical industry is something that really needs to be addressed. That's were the problem really lies. I have some reservations and I will make my decision.

Sen. Lesser, M. S09 thank you Representative I would just note that immediately following this committee meeting we are going to holding a public hearing on bills really focused on the issue that you are raising which is the cost of prescription drugs.

Rep. Scanlon, S. 98 thank you Senator I knew when we were putting this bill together that we were doing something that was going to make a difference in people lives and I knew that because of anecdotal stores told by my own constituents. But I was blown away sitting here last week by the stories that I heard in the public hearing we had one that stuck with me perhaps more than any other was the young guy Michael from Western Connecticut State University and he said that he spends more money on insulin every year then he does to pay for tuition and I just find that so staggering and beyond upsetting that we could live in a State and a Country where this is the case. Where a drug that you need to literally survive is more expensive than a college education. And I agree with you Representative Vail that we certainly need to look at this from different perspectives and there is a bill on are agenda at the public hearing to try address the cost pharmaceutical drugs in general but when it comes to this I know for a fact for us to pass this bill today it will finally give people the peace of mind they deserve when it comes to this drug. I am enthusiastically supporting this bill today and encourage all member to do so.

Sen. Lesser, M. S09 thank you Representative. Other comments or questions from members of the committee? Yes, Senator Kelly.

Sen. Kelly, K. S21 thank you Mr. Chairmen more of an administrative question than anything I know Senate bill one as originally proposed was proposed as a fee on the manufacture and distribution of insulin in the State of Connecticut and for the sake of

clarity to make sure that the State Democratic Party understand what we are voting on today is any of that original language with regards to a fee or tax on insulin contained in Senate bill as drafted.

Sen. Lesser, M. S09 thank you Senator when we drafted the bill, we replaced all the language with a 20-page bill that seeks to do a number of things. It caps out of pocket costs, it changes the way high deductible plans apply insulin and diabetes management and it allows for emergency access to insulin. It has no tax and no fee on anybody.

Sen. Kelly, K. S21 ok thank you very much for that explanation. What we have before us today is basically the bipartisan version that we had talked about at the public hearing with regards to this topic at the last day I think the date was the same date we voted to draft is that correct?

Sen. Lesser, M. S09 the language has not change since the public hearing. I recognize that there is more work to be done. I hope to involve stake holders from all the caucuses as we look to finalize this language but in the interest of showing that this is a strong legislative priority, we want to make sure that we get a product out and moving quickly so we can get it to the floor.

Sen. Kelly, K. S21 thank you Mr. Chairmen I tend to agree with that not only is this a very important issue that we heard both in the public hearing and from our constituents in regard to individuals who are having difficulty purchasing insulin. So, this a very important legislative and human issue. And that's why we sat down in a bipartisan manner and issues such as this should be focused on the policy and the people not on the politics of what sometimes happens in this dome. Its why I am asking you these questions today. There was a lot of politics surrounding the original SB 1 as proposed and some of us took that more on the chin which is thoroughly unnecessary when you are doing good work for the people of Connecticut if should be embraced by all sides. As this is a work in progress and I'd like to see this move forward I want to make sure that what we are doing remains a bipartisan initiative. So, to that end can you assure us that there is going to be no tax, no fee moving forward.

Sen. Lesser, M. S09 thank you Senator any member of the general assembly can propose an amendment at any time. I have no interest in adding a tax or fee to this bill. I don't think it is necessary I think we have adequate funding to pay for the services contemplated in this bill.

Sen. Kelly, K. S21 in also moving forward to remain in the spirit of bipartisanship I would also like to know that when we do make any amendments on this that those amendments are offered in a bipartisan manner so that members of our caucus can also participate in those amendments.

Sen. Lesser, M. S09 as you know this place works in strange ways the extent that I have a say in the matter I will do everything I can to make sure that you are at the table as you have been. We will work to develop this bill and address this issue and I think that goes for the other members of the committee as well. I think we have worked well over the past few years to build a bipartisan agenda on this committee we have passed a great many bills particularly those of us who are in the senate have worked together on a lot of things and I would like to keep that going forward.

Sen. Kelly, K. S21 thank you Mr. Chairmen.

Sen. Lesser, M. S09 I would like to recess the committee for just a quick minute.

Committee was recessed at 11:19 AM by Sen. Lesser, M. S09.

Sen. Lesser, M. S09 I'd like to gavel in the public hearing.

Public Hearing was called to order at 11:20 AM by Chairman, Sen. Lesser M. S09.

Sen. Lesser, M. S09 and I would like to recess the Public Hearing for 10 minutes.

Public Hearing was recessed at 11:20 AM by Sen. Lesser, M. S09.

Sen. Lesser, M. S09 I would like to call back to order the committee meeting and resume where we left off.

Committee was reconvened at 11:20 AM by Sen. Lesser, M. S09

Sen. Lesser, M. S09 did I do that right? Any comments or questions from members of the committee.

Rep. Pavalock-D'Amato, C. 77 just a couple of questions the language relating to the emergency services is that language a work in process. I know Representative Petit and I put in that bill as well and will that be changing.

Sen. Lesser, M. S09 yes it will. It is a work in progress, but I think there may be more clarity that Representative Scanlon wants to shed on that.

Rep. Scanlon, S. 98 thank you Senator yes I have been meeting with the CT Pharmacy Association to try and find a way that we can get to language that expresses the true intent of the bill which is that the insurance companies handle the cost of somebody that is seeking that emergency dose of insulin that is the intent of Kevin's Law around the country. Through you Mr. Chair.

Sen. Lesser, M. S09 thank you. Representative Pavalock-D'Amato.

Rep. Pavalock-D'Amato, C. 77 does this bill apply to fully insured plans.

Sen. Lesser, M. S09 yes.

Rep. Pavalock-D'Amato, C. 77 what about Medicare?

Sen. Lesser, M. S09 We don't regulate Medicare.

Rep. Pavalock-D'Amato, C. 77 that's all for now.

Sen. Lesser, M. S09 questions from the committee. Well I would love to proceed to a vote. I would just like to say I like Representative Scanlon was really touched by the testimony. There are drugs that you can take, there are drugs that you can not take.

Insulin is a drug that if you do not take you will not survive. We heard that time and time again. Will the clerk please call the roll?

Motioned by Rep. Scanlon, S. 98 and seconded by Rep. Dathan, L. 142.

Roll call vote was called on [S.B. No. 1](#) (COMM) AN ACT CONCERNING DIABETES AND HIGH DEDUCTIBLE HEALTH PLANS. (INS)

**SB1 Passed**

Those Voting Yea:17

Those Voting Nay:1

Abstain: 0

Absent and Not Voting:2

Sen. Lesser, M. S09 the clerk will hold votes open in either Hearing room 2D or room 2800 until 04:00 PM. Moving on to [H.B. No. 5175](#) (RAISED) AN ACT CONCERNING DIABETES AND HIGH DEDUCTIBLE HEALTH PLANS. (INS) is there a motion to JF to the floor.

Motioned by Rep. Scanlon, S. 98 and seconded by Rep. Hughes, A. 135.

Sen. Lesser, M. S09 is there discussion? Yes, Representative Vail.

Rep. Vail, K. 52 when I asked early and you already informed me that this is the exact same bill. If there are going to be adjustments made to this, I am always reticent to vote for any work in progress I like to vote on what we are voting on right now that's what's in front of me. I don't know what the future holds and certainly my vote can change in either direction. But often in here we have strike all amendments is the foundation of this bill in place and if you are going to make changes do you anticipate making them line by line or do you anticipate a whole another concept all together with a strike all amendment.

Sen. Lesser, M. S09 that is an excellent question Representative Vail I think what you are looking at is what we are thinking about. There are parts that need to be flushed out as Representative Scanlon said working with stake holders to understand what would work but there are no new concepts that are not reflected in this bill nor are anticipating any major changes.

Sen. Lesser, M. S09 ok I appreciate that.

Sen. Lesser, M. S09 yes Representative Pavalock-D'Amato.

Rep. Pavalock-D'Amato, C. 77 would this apply to self-insured plans like the state employee plan.

Sen. Lesser, M. S09 my understanding is that the State Employee is distinct from other self-insured plans in that it voluntarily complies with plans from the General Assembly. We are limited by ARISA over self-insured plans but generally parts of this bill pertaining to insurance coverage and assistance would likely apply to self-insured plans. It is our intent to help everybody in the State of Connecticut with type one Diabetes regardless of how they get their health insurance.

Rep. Pavalock-D'Amato, C. 77 so just to give you an example a large company who is self-insured those would not be a part of the bill.

Sen. Lesser, M. S09 the part that applies that cap that would not be something that we could apply to a self-insured plan under federal law but the other parts such as emergency access to insulin and the assistance program that we could apply.

Rep. Pavalock-D'Amato, C. 77 and supplemental plans under Medicare do you think that would count.

Sen. Lesser, M. S09 we are limited in our ability to regulate anything that the federal government regulates.

Rep. Pavalock-D'Amato, C. 77 thank you.

Sen. Lesser, M. S09 thank you Representative. Senator Kelly.

Sen. Kelly, K. S21 I just want to make the same comments with regards to the prior bill in that there is not going to be a tax on this bill and that this bill will remain bipartisan with opportunity to participate in any amendments that come up.

Sen. Lesser, M. S09 this is a House bill I will turn this over to my Co-chair Representative Scanlon.

Rep. Scanlon, S. 98 thank you Senator. There is not intention on my part or my caucuses part to put any sort of tax in this bill. I believe that 95 percent of what this bill of what this bill will be when it comes up to vote in the House or Senate will be what we are voting on today but I think there are small changes we can make none of which have anything to do with taxation or adding costs to tax payers. I give you my absolute word and confidence on that. Through you Mr. Senator.

Sen. Kelly, K. S21 thank you Mr. Chairmen.

Sen. Lesser, M. S09 somebody here has my title right. Thank you, Senator Kelly. Is there any other discussion from the committee? If not, will the clerk please call the roll.

Motioned by Rep. Scanlon, S. 98 and seconded by Rep. Hughes, A. 135.

Roll call vote was called on [H.B. No. 5175](#) (RAISED) AN ACT CONCERNING DIABETES AND HIGH DEDUCTIBLE HEALTH PLANS. (INS)

**HB5175 Passed**

Those Voting Yea:17

Those Voting Nay:1

Abstain: 0

Absent and Not Voting:2

Sen. Lesser, M. S09 we again keep the votes until 04:00 PM in 2800 or Hearing room 2D with that I would like to recess the Insurance and Real Estate Meeting until that time

A motion was duly made and seconded to adjourn the meeting.

The meeting was Adjourned at 04:00 PM.

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Lawrence Sanchez  
Assistant Clerk