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HEALTH AND SAFETY CODE - HSC

DIVISION 105. COMMUNICABLE DISEASE PREVENTION AND CONTROL [120100 - 122476] (*Division 105 added by Stats. 1995, Ch. 415, Sec. 7.*)

PART 4. HUMAN IMMUNODEFICIENCY VIRUS (HIV) [120775 - 121349.3] (*Part 4 added by Stats. 1995, Ch. 415, Sec. 7.*)

CHAPTER 6.1. Human Immunodeficiency Virus (HIV) Prevention [120972 - 120972.2] (*Chapter 6.1 added by Stats. 2017, Ch. 52, Sec. 17.*)

120972. (a) To the extent that funds are available for these purposes, the director may establish and administer a program within the department's Office of AIDS to subsidize certain costs of medications for the prevention of HIV infection and other related medical services, as authorized by this section, to persons who meet all of the following requirements:

- (1) Are residents of California who are at least 18 years of age, or who may consent to medical care related to the prevention of a sexually transmitted disease consistent with Section 6926 of the Family Code.
- (2) Are HIV negative.
- (3) Meet the financial eligibility requirements identified in Section 120960. Unemancipated minors between 12 and 17 years of age shall be considered a family size of one for purposes of determining financial eligibility for this program.
- (4) Have been prescribed, dispensed, or otherwise furnished medication listed on the AIDS Drug Assistance Program (ADAP) formulary as provided in paragraph (2) of subdivision (a) of Section 120955.

(b) To the extent allowable under federal law, and upon available funds, the director may expend funding for this program from the AIDS Drug Assistance Program Rebate Fund as implemented pursuant to Section 120956.

(c) To the extent that funding is made available for this purpose, the program may subsidize all of the following costs of medication for the prevention of HIV infection and related medical services for eligible individuals:

- (1) For uninsured individuals, the costs for both of the following:
 - (A) HIV pre-exposure prophylaxis (PrEP)-related and post-exposure prophylaxis (PEP)-related medical services for individuals who are enrolled, if eligible, in a drug manufacturer's medication assistance program.
 - (B) Medication for the prevention of HIV infection for individuals who are ineligible for a drug manufacturer's medication assistance program.

(2) For insured individuals, the costs for all of the following:

- (A) Medication copays, coinsurance, and deductibles for the prevention of HIV infection after the individual's insurance is applied and, if eligible, after the drug manufacturer's medication assistance program's contributions are applied. 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.
- (B) Medical copays, coinsurance, and deductibles for PrEP-related and PEP-related medical services.
- (C) Subsidizing 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.

(d) For the purposes of this program, an insured individual on a parent's or partner's health plan shall be considered uninsured if the individual is unable to use the individual's health insurance coverage for confidentiality or safety reasons.

(e) Notwithstanding the eligibility requirements in subdivision (a), the program may subsidize the costs of up to 30 days of PrEP and PEP medications for the prevention of HIV infection.

(f) If the director makes a formal determination that, in any fiscal year, funds appropriated for the program will be insufficient to provide medications for the prevention of HIV infection or related medical costs to existing eligible persons for the fiscal year and that a suspension of the implementation of the program is necessary, the director may suspend either of the following:

(1) The program.

(2) The eligibility determinations and enrollment in the program for the period of time necessary to meet the needs of existing eligible persons in the program.

(g) Reimbursement under the program shall not be made for any drugs or related services that are available to the recipient under any other private, state, or federal programs, or under any other contractual or legal entitlements, except as specified in this section. The director may authorize an exemption from this subdivision if it would result in cost savings to the state.

(h) If the department utilizes a contractor or subcontractor to administer any aspect of the program, the provisions of Section 120970, except subdivision (i) of that section, shall apply.

(i) All types of information, whether written or oral, concerning a client, made or maintained in connection with the administration of this program, shall be confidential, and shall not be used or disclosed except for any of the following:

(1) For purposes directly connected with the administration of the program.

(2) If disclosure is otherwise authorized by law.

(3) Pursuant to a written authorization by the person who is the subject of the record or, if the person is 18 years of age or older, by the person's guardian or conservator.

(j) For purposes of verifying financial eligibility for the program, the department shall verify the accuracy of the modified adjusted gross income reported by an applicant or recipient of the program, with data, if available, from the Franchise Tax Board. The Franchise Tax Board and the department are authorized to disclose personally identifiable data to one another, solely for this purpose, and in accordance with the data exchange process identified in Section 120962.

(k) Regulations adopted pursuant to subdivision (c), (d), or (e), are exempt from rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

(Amended by Stats. 2021, Ch. 143, Sec. 18. (AB 133) Effective July 27, 2021.)

120972.1. (a) To the extent that funds are available for these purposes, the State Department of Public Health, Office of AIDS may allocate funds to local health departments and community-based organizations to support HIV preexposure prophylaxis (PrEP) and postexposure prophylaxis (PEP) navigation and retention coordinators and related services for the purpose of increasing PrEP and PEP initiation and retention among individuals most vulnerable to HIV.

(b) Navigation and retention services may include, but are not limited to, outreach and education, community messaging, assistance with applying for and retaining health coverage, assistance with enrollment in PrEP and PEP financial assistance programs, care coordination and adherence support, financial assistance for transportation costs, and linkage to behavioral health, substance use, housing, and other social service programs.

(c) The Office of AIDS shall establish a simple application process for local health departments and community-based organizations to receive funding to support PrEP and PEP navigation and retention coordinators and related services.

(d) Local health departments and community-based organizations in any county shall be eligible for funding if they meet all of the following requirements:

(1) Provide enrollment or clinical services for the HIV prevention program as outlined in Section 120972.

(2) Describe how funding for PrEP and PEP navigation and retention coordinators and related services will help to improve PrEP initiation and retention in their specific geographic area.

(3) Demonstrate the capacity to provide culturally appropriate PrEP and PEP navigation and retention services to one or more communities vulnerable to HIV, including, but not limited to, all of the following:

(A) Black, indigenous, and people of color.

(B) Lesbian, gay, bisexual, queer, and questioning individuals.

(C) Non-English-speaking individuals.

(D) Other populations that are difficult to reach, including those with transportation or technology challenges.

(E) People experiencing homelessness.

(F) People involved in the carceral system.

(G) People who use drugs.

(H) People engaged in sex work.

(I) Transgender and gender-nonconforming individuals.

(J) Undocumented individuals.

(K) Women.

(L) Youth.

(e) Local health departments and community-based organizations shall be eligible to apply for one or more PrEP navigation and retention coordinators based on need in the specific geographic area and organizational capacity to reach the target population or populations.

(f) Funded local health departments and community-based organizations shall collaborate with the Office of AIDS to conduct outcome and process evaluation of PrEP and PEP navigation and retention services. The Office of AIDS shall establish performance metrics to ensure that funding is used efficiently and measure program success.

(g) The Office of AIDS may use a portion of funds to contract with a third-party entity to provide training, program technical assistance, and capacity building to funded local health departments and community-based organizations.

(h) To the extent allowable under federal law, and upon availability of funds, the Office of AIDS may expend funding for the activities outlined in this section from the AIDS Drug Assistance Program Rebate Fund as implemented pursuant to Section 120956.

(Added by Stats. 2021, Ch. 143, Sec. 24. (AB 133) Effective July 27, 2021.)

120972.2. (a) The State Department of Public Health's Office of AIDS may expend moneys from the AIDS Drug Assistance Program Rebate Fund to support prevention services for individuals most vulnerable to HIV, including, but not limited to, harm reduction services, internal and external condoms, or other preventative measures to limit individuals from contracting HIV.

(b) To the extent that funds are available for these purposes, the State Department of Public Health's Office of AIDS may allocate funds to local health departments and community-based organizations to support HIV prevention.

(Added by Stats. 2024, Ch. 40, Sec. 19. (SB 159) Effective June 29, 2024.)