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*Number 42 of 2024*

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**Health Insurance (Amendment) and Health (Provision of Menopause Products)  
Act 2024**

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**HEALTH INSURANCE (AMENDMENT) AND HEALTH (PROVISION OF  
MENOPAUSE PRODUCTS) ACT 2024**

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[No. 42.]

*Health Insurance (Amendment)  
and Health (Provision of Menopause Products) Act 2024.*

[2024.]

ACTS REFERRED TO

Health (Pricing and Supply of Medical Goods) Act 2013 (No. 14)

Health Act 1970 (No. 1)

Health Acts 1947 to 2022

Health Insurance Act 1994 (No. 16)

Health Insurance Acts 1994 to 2023

Interpretation Act 2005 (No. 23)

Medical Practitioners Act 2007 (No. 25)

Nurses and Midwives Act 2011 (No. 41)

Pharmacy Act 2007 (No. 20)

Stamp Duties Consolidation Act 1999 (No. 31)



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Number 42 of 2024

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**HEALTH INSURANCE (AMENDMENT) AND HEALTH (PROVISION OF  
MENOPAUSE PRODUCTS) ACT 2024**

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An Act to provide for the making available for supply, without charge, to certain women, of certain products used to alleviate the symptoms of menopause; and, for that purpose, to amend the Health Act 1970 and the Health (Pricing and Supply of Medical Goods) Act 2013; to amend the Health Insurance Act 1994 to specify the amount of premium to be paid from the Risk Equalisation Fund in respect of certain classes of insured persons from 1 April 2025; to amend the definition, in that Act, of high cost claim; to amend the Stamp Duties Consolidation Act 1999; and to provide for related matters.

[11th November, 2024]

**Be it enacted by the Oireachtas as follows:**

PART 1

PRELIMINARY AND GENERAL

**Short title, collective citations, construction and commencement**

1. (1) This Act may be cited as the Health Insurance (Amendment) and Health (Provision of Menopause Products) Act 2024.
- (2) The Health Acts 1947 to 2022 and *Part 2* (other than *section 5*) may be cited together as the Health Acts 1947 to 2024.
- (3) The Health Insurance Acts 1994 to 2023 and *Part 3* (other than *section 10*) may be cited together as the Health Insurance Acts 1994 to 2024 and shall be construed together as one.
- (4) *Sections 2* to *5* shall come into operation on such day or days as the Minister for Health may by order or orders appoint either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or different provisions.
- (5) *Sections 8* and *9* shall come into operation on 1 April 2025.
- (6) *Section 10* shall come into operation on 1 January 2025.

PART 2

PROVISION OF MENOPAUSE PRODUCTS FOR CERTAIN WOMEN

**Definition (Part 2)**

2. In this Part, “Act of 1970” means the Health Act 1970.

**Amendment of section 47A of Act of 1970**

3. Section 47A of the Act of 1970 is amended by the substitution of “62A, 67E or 67F” for “62A or 67E”.

**Menopause products for certain women**

4. The Act of 1970 is amended by the insertion of the following section after section 67E:

“67F. (1) Subject to subsection (3), and sections 20 and 23 of the Act of 2013, the Health Service Executive shall make available for supply without charge menopause products for women who—

- (a) are ordinarily resident in the State, and
- (b) have been prescribed menopause products by—
  - (i) a registered medical practitioner, or
  - (ii) a registered nurse or registered midwife entitled pursuant to any enactment to prescribe the menopause products so supplied.
- (2) A woman referred to in subsection (1) shall be entitled to receive menopause products from a pharmacy provider.
- (3) This section shall not apply to women with full eligibility who avail of the service under section 59(1).
- (4) The Minister may, following consultation with the Health Service Executive, by regulation prescribe—
  - (a) the form and manner in which the Health Service Executive shall reimburse a pharmacy provider who has dispensed menopause products in accordance with this section,
  - (b) the form and manner in which a pharmacy provider shall claim for reimbursement from the Health Service Executive for the dispensing of menopause products in accordance with this section,
  - (c) such forms as may be necessary for the purposes of paragraphs (a) and (b), and
  - (d) such additional, incidental, consequential or supplemental matters as the Minister considers necessary or expedient for the purposes of giving effect to this section.

- (5) Every regulation made under this section shall be laid before each House of the Oireachtas as soon as may be after it has been made and, if a resolution annulling the regulation is passed by either such House within the next 21 days on which that House has sat after the regulation is laid before it, the regulation shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.
- (6) In this section—
- ‘Act of 2011’ means the Nurses and Midwives Act 2011;
- ‘Act of 2013’ means the Health (Pricing and Supply of Medical Goods) Act 2013;
- ‘enactment’ has the same meaning as it has in section 2(1) of the Interpretation Act 2005;
- ‘menopause’ means, in relation to a woman, the various stages related to menopause and includes perimenopause, post menopause, early menopause, premature menopause and medically induced menopause;
- ‘menopause products’ means hormone replacement therapy drugs, medicines and surgical and medical appliances used to alleviate the symptoms of menopause, which are for the time being on the Reimbursement List;
- ‘pharmacy provider’ means a retail pharmacy business (within the meaning of section 2(1) of the Pharmacy Act 2007) which has entered into or agreed to enter into an arrangement with the Health Service Executive for the dispensing of menopause products to women referred to in subsection (1);
- ‘registered medical practitioner’ has the same meaning as it has in section 2(1) of the Medical Practitioners Act 2007;
- ‘registered midwife’ has the same meaning as it has in section 2(1) of the Act of 2011;
- ‘registered nurse’ has the same meaning as it has in section 2(1) of the Act of 2011;
- ‘Reimbursement List’ has the same meaning as it has in section 2(1) of the Act of 2013.”.

### **Amendment of Health (Pricing and Supply of Medical Goods) Act 2013**

5. The Health (Pricing and Supply of Medical Goods) Act 2013 is amended—
- (a) in section 20—

- (i) in subsection (1), by the substitution of “section 59, 62A, 67E or 67F” for “section 59, 62A or 67E”,
  - (ii) in subsection (2), by the substitution of “section 59, 62A, 67E or 67F” for “section 59, 62A or 67E”, and
  - (iii) in subsection (3), by the substitution of “section 59, 62A, 67E or 67F” for “section 59, 62A or 67E”,
- and
- (b) in section 23, by the substitution of “section 59, 62A, 67E or 67F” for “section 59, 62A or 67E”.

## PART 3

## AMENDMENT OF HEALTH INSURANCE ACT 1994 AND STAMP DUTIES CONSOLIDATION ACT 1999

**Definition (*Part 3*)**

6. In this Part, “Act of 1994” means the Health Insurance Act 1994.

**Amendment of section 6A of Act of 1994**

7. (1) Section 6A of the Act of 1994 is amended, in subsection (1)—
- (a) by the substitution of the following definition for the definition of “high cost claim”:
    - “ ‘high cost claim’ means a claim, or more than one claim, arising in any period of 12 months prescribed for that purpose relating to an insured person under a health insurance contract or contracts effected by the same registered undertaking—
    - (a) the amount, or the cumulative amount, of which claim or claims, as the case may be, exceeds the high cost claim threshold, and
    - (b) which has or have been paid by the undertaking,

other than a claim for the cost of drugs that are not Health Service Executive approved drugs;”,

and

  - (b) by the insertion of the following definition:
    - “ ‘Health Service Executive approved drugs’ means—
    - (a) drugs which are included in one or more of the following lists:
      - (i) the Reimbursement List established and published by the Health Service Executive under section 17 of the Health (Pricing and Supply of Medical Goods) Act 2013;



- (ii) the list maintained by the Health Service Executive under the programme commonly known as the National Cancer Control Programme;
  - (iii) the list maintained by the Health Service Executive under the programme commonly known as the HSE Access and Integration Drug Management Programme (formerly known as the Acute Hospitals Drugs Management Programme);
  - (iv) the list maintained by the Health Service Executive under the programme commonly known as the HSE Medicines Management Programme,
- (b) drugs which—
- (i) are normal human immunoglobulin products assigned the code J06BA under the Anatomical Therapeutic Chemical classification system established by the World Health Organisation, and
  - (ii) were granted a marketing authorisation (within the meaning of Regulation 3(1) of the Medicinal Products (Control of Manufacture) Regulations 2007 (S.I. No. 539 of 2007)) prior to the commencement of section 17 of the Health (Pricing and Supply of Medical Goods) Act 2013,
- or
- (c) drugs which have been approved for reimbursement or funding through the public health system by the Health Service Executive having regard to the criteria set out in Part 3 of Schedule 3 to the Health (Pricing and Supply of Medical Goods) Act 2013;”.
- (2) The amendments effected by *subsection (1)* shall be deemed to have come into operation on 1 April 2022.

#### **Amendment of section 11C of Act of 1994**

8. Section 11C of the Act of 1994 is amended, in subsection (1)(b), by the substitution of “1 April 2025” for “1 April 2024”.

**Amendment of Schedule 4 to Act of 1994**

9. Schedule 4 to the Act of 1994 is amended by the substitution of the following Table for Table 2:

“Table 2

*AMOUNTS APPLICABLE ON OR AFTER 1 APRIL 2025*

<b>Class of Insured Person</b>	<b>Amount of premium to be paid from Fund</b>
Male aged 50 years and over but less than 55 years on the date the relevant contract (being a relevant contract (non-advanced cover)) is renewed or entered into, as the case may be	Nil
Male aged 50 years and over but less than 55 years on the date the relevant contract (being a relevant contract (advanced cover)) is renewed or entered into, as the case may be	Nil
Female aged 50 years and over but less than 55 years on the date the relevant contract (being a relevant contract (non-advanced cover)) is renewed or entered into, as the case may be	Nil
Female aged 50 years and over but less than 55 years on the date the relevant contract (being a relevant contract (advanced cover)) is renewed or entered into, as the case may be	Nil
Male aged 55 years and over but less than 60 years on the date the relevant contract (being a relevant contract (non-advanced cover)) is renewed or entered into, as the case may be	Nil
Male aged 55 years and over but less than 60 years on the date the relevant contract (being a relevant contract (advanced cover)) is renewed or entered into, as the case may be	Nil
Female aged 55 years and over but less than 60 years on the date the relevant contract (being a relevant contract (non-advanced cover)) is renewed or entered into, as the case may be	Nil
Female aged 55 years and over but less than 60 years on the date the relevant contract (being a relevant contract (advanced cover)) is renewed or entered into, as the case may be	Nil
Male aged 60 years and over but less than 65 years on the date the relevant contract (being a relevant contract (non-advanced cover)) is renewed or entered into, as the case may be	Nil
Male aged 60 years and over but less than 65 years on the date the relevant contract (being a relevant contract (advanced cover)) is renewed or entered into, as the case may be	Nil
Female aged 60 years and over but less than 65 years on the date the relevant contract (being a relevant contract (non-advanced cover)) is renewed or entered into, as the case may be	Nil
Female aged 60 years and over but less than 65 years on the date the relevant contract (being a relevant contract (advanced cover)) is renewed or entered into, as the case may be	Nil
Male aged 65 years and over but less than 70 years on the date the relevant contract (being a relevant contract (non-advanced cover)) is renewed or entered into, as the case may be	€275

Male aged 65 years and over but less than 70 years on the date the relevant contract (being a relevant contract (advanced cover)) is renewed or entered into, as the case may be	€975
Female aged 65 years and over but less than 70 years on the date the relevant contract (being a relevant contract (non-advanced cover)) is renewed or entered into, as the case may be	€150
Female aged 65 years and over but less than 70 years on the date the relevant contract (being a relevant contract (advanced cover)) is renewed or entered into, as the case may be	€525
Male aged 70 years and over but less than 75 years on the date the relevant contract (being a relevant contract (non-advanced cover)) is renewed or entered into, as the case may be	€350
Male aged 70 years and over but less than 75 years on the date the relevant contract (being a relevant contract (advanced cover)) is renewed or entered into, as the case may be	€1,625
Female aged 70 years and over but less than 75 years on the date the relevant contract (being a relevant contract (non-advanced cover)) is renewed or entered into, as the case may be	€250
Female aged 70 years and over but less than 75 years on the date the relevant contract (being a relevant contract (advanced cover)) is renewed or entered into, as the case may be	€975
Male aged 75 years and over but less than 80 years on the date the relevant contract (being a relevant contract (non-advanced cover)) is renewed or entered into, as the case may be	€550
Male aged 75 years and over but less than 80 years on the date the relevant contract (being a relevant contract (advanced cover)) is renewed or entered into, as the case may be	€2,225
Female aged 75 years and over but less than 80 years on the date the relevant contract (being a relevant contract (non-advanced cover)) is renewed or entered into, as the case may be	€400
Female aged 75 years and over but less than 80 years on the date the relevant contract (being a relevant contract (advanced cover)) is renewed or entered into, as the case may be	€1,500
Male aged 80 years and over but less than 85 years on the date the relevant contract (being a relevant contract (non-advanced cover)) is renewed or entered into, as the case may be	€650
Male aged 80 years and over but less than 85 years on the date the relevant contract (being a relevant contract (advanced cover)) is renewed or entered into, as the case may be	€2,625
Female aged 80 years and over but less than 85 years on the date the relevant contract (being a relevant contract (non-advanced cover)) is renewed or entered into, as the case may be	€475
Female aged 80 years and over but less than 85 years on the date the relevant contract (being a relevant contract (advanced cover)) is renewed or entered into, as the case may be	€1,775
Male aged 85 years and over on the date the relevant contract (being a relevant contract (non-advanced cover)) is renewed or entered into, as the case may be	€650
Male aged 85 years and over on the date the relevant contract (being a relevant contract (advanced cover)) is renewed or entered into, as the case may be	€2,625

Female aged 85 years and over on the date the relevant contract (being a relevant contract (non-advanced cover)) is renewed or entered into, as the case may be	€475
Female aged 85 years and over on the date the relevant contract (being a relevant contract (advanced cover)) is renewed or entered into, as the case may be	€1,775

”.

**Amendment of section 125A of Stamp Duties Consolidation Act 1999**

10. Section 125A of the Stamp Duties Consolidation Act 1999 is amended, in subsection (1), by the substitution of the following definition for the definition of “specified rate”:

“ ‘specified rate’ means—

- (a) in respect of relevant contracts renewed or entered into on or after 1 January 2025 and on or before 31 March 2025—
- (i) €35 in respect of an insured person aged less than 18 years insured under a relevant contract which provides for non-advanced cover,
  - (ii) €140 in respect of an insured person aged less than 18 years insured under a relevant contract which provides for advanced cover,
  - (iii) €105 in respect of an insured person aged 18 years or over insured under a relevant contract which provides for non-advanced cover, and
  - (iv) €420 in respect of an insured person aged 18 years or over insured under a relevant contract which provides for advanced cover,
- and
- (b) in respect of relevant contracts renewed or entered into on or after 1 April 2025—
- (i) €31 in respect of an insured person aged less than 18 years insured under a relevant contract which provides for non-advanced cover,
  - (ii) €156 in respect of an insured person aged less than 18 years insured under a relevant contract which provides for advanced cover,
  - (iii) €94 in respect of an insured person aged 18 years or over insured under a relevant contract which provides for non-advanced cover, and

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- (iv) €469 in respect of an insured person aged 18 years or over insured under a relevant contract which provides for advanced cover.”.