

HOUSE BILL 457

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C3

1998 Regular Session
(8lr0423)

ENROLLED BILL
-- Economic Matters/Finance --

Introduced by **Delegates Grosfeld, Hurson, Billings, R. Baker, Benson, Bobo, Boston, Doory, Exum, Genn, Goldwater, Hecht, Howard, Hubbard, Jones, Kagan, Kopp, Kirk, Krysiak, Mandel, Marriott, McIntosh, Menes, C. Mitchell, Montague, Muse, Nathan-Pulliam, Patterson, Pendergrass, Petzold, Rosenberg, Miller, and Turner**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Health Benefit Plans - Coverage for Prescription Contraceptive Drugs or**
3 **Devices**

4 FOR the purpose of requiring certain insurers, nonprofit health service plans, and
5 health maintenance organizations to provide coverage under certain
6 circumstances for contraceptive drugs ~~or~~ and devices approved by the United
7 States Food and Drug Administration for use as contraceptives; ~~and providing a~~
8 certain exception; imposing a certain limitation on administration of the
9 coverage; and generally relating to requiring certain insurers, nonprofit health
10 service plans, and health maintenance organizations to provide coverage for
11 contraceptive drugs and devices.

12 BY adding to

1 Article - Insurance
2 Section 15-826
3 Annotated Code of Maryland
4 (1997 Volume)

5 BY repealing and reenacting, with amendments,
6 Article - Health - General
7 Section 19-706(i)
8 Annotated Code of Maryland
9 (1996 Replacement Volume and 1997 Supplement)

10 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
11 MARYLAND, That the Laws of Maryland read as follows:

12 **Article - Insurance**

13 15-826.

14 (A) THIS SECTION APPLIES TO:

15 (1) INSURERS AND NONPROFIT HEALTH SERVICE PLANS THAT PROVIDE
16 COVERAGE FOR PRESCRIPTION DRUGS UNDER HEALTH INSURANCE POLICIES OR
17 CONTRACTS THAT ARE ISSUED OR DELIVERED IN THE STATE; AND

18 (2) HEALTH MAINTENANCE ORGANIZATIONS THAT PROVIDE COVERAGE
19 FOR PRESCRIPTION DRUGS UNDER CONTRACTS THAT ARE ISSUED OR DELIVERED IN
20 THE STATE; ~~AND~~

21 ~~(3) HEALTH INSURANCE CONTRACTS OR POLICIES THAT PROVIDE~~
22 ~~COVERAGE FOR DRUGS AND THAT ARE ISSUED TO SMALL EMPLOYERS UNDER~~
23 ~~SUBTITLE 12 OF THIS TITLE.~~

24 (B) AN ENTITY SUBJECT TO THIS SECTION:

25 (1) SHALL PROVIDE COVERAGE FOR ANY CONTRACEPTIVE DRUG OR
26 DEVICE THAT IS APPROVED BY THE UNITED STATES FOOD AND DRUG
27 ADMINISTRATION FOR USE AS A CONTRACEPTIVE AND THAT IS OBTAINED UNDER A
28 PRESCRIPTION WRITTEN BY AN AUTHORIZED PRESCRIBER AS DEFINED IN § 12-101
29 OF THE HEALTH OCCUPATIONS ARTICLE;

30 (2) SHALL PROVIDE COVERAGE FOR THE INSERTION OR REMOVAL, AND
31 ANY MEDICALLY NECESSARY EXAMINATION ASSOCIATED WITH THE USE, OF SUCH
32 CONTRACEPTIVE DRUG OR DEVICE; AND

33 (3) MAY NOT IMPOSE A DIFFERENT COPAYMENT OR COINSURANCE FOR
34 A CONTRACEPTIVE DRUG OR DEVICE THAN IS IMPOSED FOR ANY OTHER
35 PRESCRIPTION.

1 (C) (1) A RELIGIOUS ORGANIZATION MAY REQUEST AND AN ENTITY
2 SUBJECT TO THIS SECTION SHALL GRANT THE REQUEST FOR AN EXCLUSION FROM
3 COVERAGE UNDER THE POLICY, PLAN, OR CONTRACT FOR THE COVERAGE REQUIRED
4 UNDER SUBSECTION (B) OF THIS SECTION IF THE REQUIRED COVERAGE CONFLICTS
5 WITH THE RELIGIOUS ORGANIZATION'S BONA FIDE RELIGIOUS BELIEFS AND
6 PRACTICES.

7 (2) A RELIGIOUS ORGANIZATION THAT OBTAINS AN EXCLUSION UNDER
8 PARAGRAPH (1) OF THIS SUBSECTION SHALL PROVIDE ITS EMPLOYEES REASONABLE
9 AND TIMELY NOTICE OF THE EXCLUSION.

10 (3) THE PREMIUM RATE FOR A POLICY, PLAN, OR CONTRACT OF AN
11 ENTITY SUBJECT TO THIS SECTION MAY NOT BE AFFECTED BY THE RELIGIOUS
12 ORGANIZATION'S EXCLUSION FROM THE COVERAGE REQUIRED UNDER SUBSECTION
13 (B) OF THIS SECTION.

14 **Article - Health - General**

15 19-706.

16 (i) The provisions of §§ 15-105, 15-112, 15-113, 15-804, [and], 15-812 AND
17 15-826 of the Insurance Article shall apply to health maintenance organizations.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to all
19 policies and health benefit plans issued, delivered, or renewed in the State on or after
20 October 1, 1998.

21 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 October 1, 1998.