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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**

Introduced and read first time: February 4, 1998  
Assigned to: Economic Matters

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Committee Report: Favorable with amendments  
House action: Adopted with floor amendments  
Read second time: March 27, 1998

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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  
13 Article - Insurance  
14 Section 15-826  
15 Annotated Code of Maryland  
16 (1997 Volume)

17 BY repealing and reenacting, with amendments,  
18 Article - Health - General  
19 Section 19-706(i)  
20 Annotated Code of Maryland  
21 (1996 Replacement Volume and 1997 Supplement)

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

3 **Article - Insurance**

4 15-826.

5 (A) THIS SECTION APPLIES TO:

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

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

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

15 (B) AN ENTITY SUBJECT TO THIS SECTION:

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

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

24 (3) MAY NOT IMPOSE A DIFFERENT COPAYMENT OR COINSURANCE FOR  
25 A CONTRACEPTIVE DRUG OR DEVICE THAN IS IMPOSED FOR ANY OTHER  
26 PRESCRIPTION.

27 (C) (1) A RELIGIOUS ORGANIZATION MAY REQUEST AND AN ENTITY  
28 SUBJECT TO THIS SECTION SHALL GRANT THE REQUEST FOR AN EXCLUSION FROM  
29 COVERAGE UNDER THE POLICY, PLAN, OR CONTRACT FOR THE COVERAGE REQUIRED  
30 UNDER SUBSECTION (B) OF THIS SECTION IF THE REQUIRED COVERAGE CONFLICTS  
31 WITH THE RELIGIOUS ORGANIZATION'S BONA FIDE RELIGIOUS BELIEFS AND  
32 PRACTICES.

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

36 (3) THE PREMIUM RATE FOR A POLICY, PLAN, OR CONTRACT OF AN  
37 ENTITY SUBJECT TO THIS SECTION MAY NOT BE AFFECTED BY THE RELIGIOUS

1 ORGANIZATION'S EXCLUSION FROM THE COVERAGE REQUIRED UNDER SUBSECTION  
2 (B) OF THIS SECTION.

3

**Article - Health - General**

4 19-706.

5 (i) The provisions of §§ 15-105, 15-112, 15-113, 15-804, [and], 15-812 AND  
6 15-826 of the Insurance Article shall apply to health maintenance organizations.

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

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