

SENATE BILL 335

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1998 Regular Session
(8lr1836)

ENROLLED BILL
-- Finance/Economic Matters --

Introduced by **Senators Dorman, Hollinger, Van Hollen, Teitelbaum, Sfikas,
Forehand, Pinsky, and Kelley**

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.

President.

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; ~~providing for an~~
8 ~~exception from the requirements of this Act; and providing a certain exception;~~
9 imposing a certain limitation on administration of the coverage; and generally
10 relating to requiring certain insurers, nonprofit health service plans, and health
11 maintenance organizations to provide coverage for contraceptive drugs and
12 devices.

13 BY adding to
14 Article - Insurance
15 Section 15-826

1 Annotated Code of Maryland
2 (1997 Volume)

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

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

10 **Article - Insurance**

11 15-826.

12 (A) THIS SECTION APPLIES TO:

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

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

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

22 (B) AN ENTITY SUBJECT TO THIS SECTION:

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

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

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

34 (C) (1) A RELIGIOUS ORGANIZATION MAY REQUEST AND AN INSURER,
35 NONPROFIT HEALTH SERVICE PLAN, OR HEALTH MAINTENANCE ORGANIZATION
36 ENTITY SUBJECT TO THIS SECTION SHALL GRANT THE REQUEST FOR AN EXCEPTION

1 EXCLUSION FROM COVERAGE UNDER THE POLICY, PLAN, OR CONTRACT FOR THE
2 COVERAGE REQUIRED UNDER SUBSECTION (B) OF THIS SECTION IF THE REQUIRED
3 COVERAGE CONFLICTS WITH THE RELIGIOUS ORGANIZATION'S BONA FIDE
4 RELIGIOUS BELIEFS AND PRACTICES.

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

9 (3) THE PREMIUM RATE FOR THE POLICY OR CONTRACT OF THE
10 INSURER, NONPROFIT HEALTH SERVICE PLAN, OR HEALTH MAINTENANCE
11 ORGANIZATION MAY NOT BE AFFECTED BY THE RELIGIOUS ORGANIZATION'S
12 EXCEPTION FROM THE REQUIRED COVERAGE.

13 **Article - Health - General**

14 19-706.

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

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

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