

HOUSE BILL NO. 345

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-NINTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES CLAMAN, Muñoz, Kito

Introduced: 2/24/16

Referred: Health and Social Services, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to insurance coverage for contraceptives and related services; relating**
2 **to medical assistance coverage for contraceptives and related services; and providing for**
3 **an effective date."**

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 *** Section 1.** AS 21.42 is amended by adding a new section to read:

6 **Sec. 21.42.427. Coverage for contraceptives.** (a) A health care insurer that
7 offers, issues for delivery, delivers, or renews in the state a health care insurance plan
8 in the group or individual market shall

9 (1) provide coverage for

10 (A) prescription contraceptives;

11 (B) over-the-counter contraceptives approved by the United
12 States Food and Drug Administration;

13 (C) voluntary sterilization procedures; and

14 (D) consultations, examinations, procedures, and medical

1 services that are necessary to prescribe, dispense, insert, deliver, distribute,
2 administer, or remove the drugs, devices, and other products or services
3 provided under this paragraph;

4 (2) reimburse a health care provider or dispensing entity for dispensing
5 prescription contraceptives intended to last for a 12-month period for subsequent
6 dispensings of the same prescription contraceptive to the insured regardless of whether
7 the insured was enrolled in the health care insurance plan at the time of the first
8 dispensing.

9 (b) A health care insurer may not deny coverage or reimbursement under (a)
10 of this section because an insured changed contraceptive methods within a 12-month
11 period.

12 (c) A health care insurer may not offset the costs of compliance with (a) of
13 this section and may not require

14 (1) copayments, deductibles, or other forms of cost sharing for
15 contraceptives or services covered under (a) of this section; or

16 (2) a prescription to trigger coverage of over-the-counter
17 contraceptives approved by the United States Food and Drug Administration.

18 (d) A health care insurer may not restrict or delay the coverage or
19 reimbursement required under (a) of this section, including use of medical
20 management techniques that limit an insured's choice in accessing a full range of
21 prescription contraceptives.

22 (e) A health care insurer shall provide coverage and reimbursement under (a)
23 of this section to all insureds enrolled in a health insurance plan, including enrolled
24 spouses and dependents.

25 (f) A health care insurer that offers, issues for delivery, delivers, or renews in
26 the state a health care insurance plan in the group market to a religious employer is
27 exempt from the requirements of this section with respect to the health care insurance
28 plan of the religious employer if the religious employer opposes the coverage required
29 under this section and is an

30 (1) organization that meets the criteria set out in 26 U.S.C.
31 6033(a)(3)(A)(i) or (iii) (Internal Revenue Code of 1986), as amended; or

1 (2) eligible organization that has self-certified in the form and manner
 2 specified by the United States Secretary of Labor or has provided notice to the United
 3 States Secretary of Health and Human Services, under the requirements set out in 45
 4 C.F.R. 147.131(b)(1) - (3).

5 (g) In this section,

6 (1) "health care insurer" includes a self-insured employer that offers,
 7 issues for delivery, delivers, or renews in the state a health care insurance plan for its
 8 employees;

9 (2) "prescription contraceptive" means a drug or device that requires a
 10 prescription and is approved by the United States Food and Drug Administration to
 11 prevent pregnancy.

12 * **Sec. 2.** AS 47.07.065 is amended by adding new subsections to read:

13 (b) The department shall pay for

14 (1) prescription contraceptives intended to last for a 12-month period
 15 for subsequent dispensings of the same prescription contraceptive to the insured
 16 regardless of whether the insured was enrolled in the health care insurance plan at the
 17 time of the first dispensing;

18 (2) over-the-counter contraceptives approved by the United States
 19 Food and Drug Administration;

20 (3) voluntary sterilization procedures; and

21 (4) consultations, examinations, procedures, and medical services that
 22 are necessary to prescribe, dispense, insert, deliver, distribute, administer, or remove
 23 the drugs, devices, and other products or services provided under this subsection.

24 (c) In this section, "prescription contraceptive" means a drug or device that
 25 requires a prescription and is approved by the United States Food and Drug
 26 Administration to prevent pregnancy.

27 * **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to
 28 read:

29 **MEDICAID STATE PLAN INSTRUCTIONS; NOTICE TO REVISOR OF**
 30 **STATUTES.** The Department of Health and Social Services shall immediately amend and
 31 submit for federal approval a state plan for medical assistance coverage consistent with

1 AS 47.07.065(b) and (c), added by sec. 2 of this Act. The Department of Health and Social
2 Services shall apply to the United States Department of Health and Human Services for any
3 waivers necessary to implement AS 47.07.065(b) and (c), added by sec. 2 of this Act. The
4 commissioner of health and social services shall notify the revisor of statutes in writing if the
5 United States Department of Health and Human Services approves the provisions of
6 AS 47.07.065(b) and (c), added by sec. 2 of this Act.

7 * **Sec. 4.** The uncodified law of the State of Alaska is amended by adding a new section to
8 read:

9 CONDITIONAL EFFECT. AS 47.07.065(b) and (c), added by sec. 2 of this Act, take
10 effect only if the commissioner of health and social services notifies the revisor of statutes in
11 writing under sec. 3 of this Act, on or before January 1, 2017, that the provisions of
12 AS 47.07.065(b) and (c), added by sec. 2 of this Act, have been approved by the United States
13 Department of Health and Human Services.

14 * **Sec. 5.** If AS 47.07.065(b) and (c), added by sec. 2 of this Act, take effect, they take effect
15 on the day after the date the commissioner of health and social services makes a certification
16 to the revisor of statutes under secs. 3 and 4 of this Act.

17 * **Sec. 6.** Except as provided in sec. 5 of this Act, this Act takes effect January 1, 2017.