

**SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 29**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**TWENTY-FIRST LEGISLATURE - SECOND SESSION**

**BY REPRESENTATIVES CROFT AND PHILLIPS, Kemplen, Kerttula, Berkowitz**

**Introduced: 2/11/00**

**Referred: Health, Education and Social Services, Labor and Commerce, Finance**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act requiring that the cost of contraceptives be included in certain health**  
2 **care insurance coverage."**

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

4 \* **Section 1.** The uncodified law of the State of Alaska is amended by adding a new  
5 section to read:

6 SHORT TITLE. This Act may be known as the Contraceptive Equity Act of 2000.

7 \* **Sec. 2.** The uncodified law of the State of Alaska is amended by adding a new section  
8 to read:

9 FINDINGS. The legislature finds that

10 (1) maternal and infant health are greatly improved when women have access  
11 to contraceptive supplies to prevent unintended pregnancies;

12 (2) because many Americans hope to complete their families with two or three  
13 children, many women spend the majority of their reproductive lives trying to prevent  
14 pregnancy;

1 (3) research has shown that 49 percent of all large group insurance plans do  
 2 not routinely provide coverage for contraceptive drugs and devices even though virtually all  
 3 health care plans cover prescription drugs generally;

4 (4) the absence of prescription contraceptive coverage is largely responsible  
 5 for the fact that women spend 68 percent more in out-of-pocket expenses for health care than  
 6 men; and

7 (5) requiring insurance coverage for prescription drugs and devices for  
 8 contraception is in the public interest in improving the health of mothers, children, and  
 9 families and in providing for health care insurance coverage that is fairer and more equitable.

10 \* **Sec. 3.** AS 21.42 is amended by adding a new section to read:

11 **Sec. 21.42.390. Coverage for contraceptives.** (a) Except with respect to  
 12 limited benefit health care insurance or health care insurance purchased by a religious  
 13 employer, a health care insurer that offers, issues for delivery, delivers, or renews in  
 14 this state a health care insurance plan that provides coverage for prescription drugs on  
 15 an outpatient basis shall provide coverage for any prescribed drug or device approved  
 16 by the United States Food and Drug Administration for use as a contraceptive. The  
 17 coverage required under this section is subject to standard policy provisions applicable  
 18 to other benefits, including deductible or copayment provisions, within the constraints  
 19 of (b) of this section.

20 (b) An insurer may not impose on a person receiving prescription contraceptive  
 21 benefits a

22 (1) copayment, coinsurance payment, or fee that is not equally imposed  
 23 on all individuals in the same benefit category, class, coinsurance level, or copayment  
 24 level receiving benefits for prescription drugs; or

25 (2) reduction in allowable reimbursement for prescription drug benefits.

26 (c) This section may not be construed to

27 (1) require coverage for prescription coverage benefits in a contract,  
 28 policy, or plan that does not otherwise provide coverage for prescription drugs;

29 (2) preclude the use of closed formularies if the formularies include  
 30 oral, implant, and injectable contraceptive drugs, intrauterine devices, and prescription  
 31 barrier methods;

1 (3) require an insurer to provide coverage for abortion.

2 (d) A health care insurance plan that, under (a) of this section, is exempt from  
3 providing coverage for contraceptives must contain a written notice that prescription  
4 contraceptives are not included under the policy.

5 (e) In this section,

6 (1) "limited benefit insurance" means accident and sickness insurance  
7 designed, advertised, and marketed to supplement major medical insurance, including  
8 accident only, Civilian Health and Medical Program of the Uniformed Services  
9 (CHAMPUS) supplement, dental, disability income, fixed indemnity, long-term care,  
10 Medicare supplement, specific disease, vision, and other accident and sickness  
11 insurance other than basic hospital expense, basic medical-surgical expense, or major  
12 medical insurance;

13 (2) "religious employer" means an employer

14 (A) with a primary purpose of instilling religious principles;

15 (B) that primarily employs individuals who share the religious  
16 principles of the employer;

17 (C) that primarily serves individuals who share the employer's  
18 religious principles; and

19 (D) that does not receive public funding.