

**HOUSE BILL NO. 313**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - SECOND SESSION

**BY REPRESENTATIVES MURKOWSKI, GUESS, KAPSNER, CISSNA, AND KERTTULA, McGuire, Berkowitz, Crawford**

**Introduced: 1/14/02**

**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 care**  
2 **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 section  
5 to read:

6 SHORT TITLE. This Act may be known as the Prescriptive Equity Act of 2002.

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

9 LEGISLATIVE INTENT. It is the intent of this Act to bring the State of Alaska into  
10 compliance with Title VII of the Civil Rights Act of 1964, as interpreted by the United States  
11 Equal Employment Opportunity Commission, by requiring certain employers to provide  
12 insurance coverage for the cost of prescription contraceptives when coverage is offered for  
13 other prescription drugs.

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

1           **Sec. 21.42.410. Coverage for contraceptives.** (a) Except with respect to  
 2 limited benefit health care insurance or health care insurance purchased by a religious  
 3 employer, a health care insurer that offers, issues for delivery, delivers, or renews in  
 4 this state a health care insurance plan that provides coverage for prescription drugs on  
 5 an outpatient basis shall provide coverage for any prescribed drug or device approved  
 6 by the United States Food and Drug Administration for use as a contraceptive. The  
 7 coverage required under this section is subject to standard policy provisions applicable  
 8 to other benefits, including deductible or copayment provisions, within the constraints  
 9 of (b) of this section.

10           (b) An insurer may not impose on a person receiving prescription  
 11 contraceptive benefits a

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

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

17           (c) This section may not be construed to

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

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

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

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

27           (e) In this section,

28                   (1) "limited benefit health care insurance" means accident and sickness  
 29 insurance designed, advertised, and marketed to supplement major medical insurance,  
 30 including accident only, Civilian Health and Medical Program of the Uniformed  
 31 Services (CHAMPUS) supplement, dental, disability income, fixed indemnity, long-

1 term care, Medicare supplement, specific disease, vision, and other accident and  
2 sickness insurance other than basic hospital expense, basic medical-surgical expense,  
3 or major medical insurance;

4 (2) "religious employer" means an employer

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

6 (B) that primarily employs individuals who share the religious  
7 principles of the employer;

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

10 (D) that does not receive public funding.