

SENATE BILL NO. 126

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY SENATORS ELLIS, French, Davis, Guess, Elton, Lincoln

Introduced: 3/7/03

Referred: State Affairs, Health, Education and Social Services

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 2003.

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 District Court in Erickson v. Bartell Drug Company, 141 F. Supp. 2d 1266 (W.D. Wa. 2001),
12 and by the United States Equal Employment Opportunity Commission, by requiring certain
13 employers to provide or offer insurance coverage for the cost of prescription contraceptives
14 when coverage is offered for other prescription drugs.

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

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

11 (b) A health care insurer that offers, issues for delivery, delivers, or renews in
12 this state health care insurance that provides coverage for an individual and that
13 includes coverage for prescription drugs on an outpatient basis shall offer coverage for
14 contraceptives as described under (a) of this section if contraceptive coverage is not
15 included in the health care insurance plan.

16 (c) An insurer may not impose on a person receiving prescription
17 contraceptive benefits a

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

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

23 (d) This section may not be construed to

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

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

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

30 (e) A health care insurance plan that, under (a) of this section, is exempt from
31 providing coverage for contraceptives must contain a written notice that prescription

1 contraceptives are not included under the policy.

2 (f) In this section,

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

10 (2) "religious employer" means an employer

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

12 (B) that primarily employs individuals who share the religious
13 principles of the employer;

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

16 (D) that does not receive public funding.