THE SENATE TWENTY-EIGHTH LEGISLATURE, 2016 STATE OF HAWAII S.B. NO. <sup>2319</sup> S.D. 1 H.D. 3 C.D. 1

### A BILL FOR AN ACT

RELATING TO INSURANCE.

#### BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

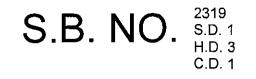
SECTION 1. The legislature finds that insurance companies 1 typically cover a thirty- or ninety-day supply of prescription 2 contraceptives. However, these coverage requirements may act as 3 4 a barrier for women, especially those who live in rural areas, frequently travel, are unable to schedule regular visits to 5 health care providers, or are unable to readily pick up their 6 7 prescriptions. The legislature further finds that statewide efforts to expand women's access to prescription contraceptives, 8 9 including long-acting reproductive contraceptives, have been 10 shown to help decrease unplanned pregnancies.

The legislature additionally finds that Oregon recently 11 12 enacted legislation to expand women's access to prescription contraception. The law requires women to first obtain a three-13 14 month supply of prescription contraceptives then allows women to 15 fill subsequent prescriptions for a year at a time. The 16 legislature concludes that Hawaii should adopt similar 17 legislation, which will increase access to prescription 18 contraceptive supplies and decrease barriers regarding 2016-2293 SB2319 CD1 SMA-1.doc 1

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reproductive health care. The legislature notes that the 1 American Congress of Obstetricians and Gynecologists and the 2 federal Centers for Disease Control and Prevention recommend 3 prescribing or supplying up to one year of oral contraceptive 4 supplies, based on a woman's preferences and anticipated use. 5 Accordingly, the purpose of this Act is to expand access to 6 prescription contraceptives by requiring insurers to cover up to 7 a twelve-month period of prescription contraceptive supplies for 8 an insured. 9 The legislature notes that the reimbursement for 10 prescription contraceptive supplies required under this Act is 11 intended to apply to all insurers in the State, including health 12 13 benefits plans under chapter 87A, Hawaii Revised Statutes, and medicaid managed care programs. 14 SECTION 2. Section 431:10A-116.6, Hawaii Revised Statutes, 15 is amended to read as follows: 16 "§431:10A-116.6 Contraceptive services. (a) 17 18 Notwithstanding any provision of law to the contrary, each 19 employer group accident and health or sickness policy, contract, 20 plan, or agreement issued or renewed in this State on or after 21 January 1, 2000, shall cease to exclude contraceptive services

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or supplies for the subscriber or any dependent of the 1 subscriber who is covered by the policy, subject to the 2 exclusion under section 431:10A-116.7[-] and the exclusion under 3 4 section 431:10A-102.5. (b) Except as provided in subsection (c), all policies, 5 6 contracts, plans, or agreements under subsection (a), that provide contraceptive services or supplies, or prescription drug 7 8 coverage, shall not exclude any prescription contraceptive supplies or impose any unusual copayment, charge, or waiting 9 10 requirement for such supplies. Coverage for oral contraceptives shall include at 11 (c) least one brand from the monophasic, multiphasic, and the 12 progestin-only categories. A member shall receive coverage for 13 14 any other oral contraceptive only if: 15 (1)Use of brands covered has resulted in an adverse drug 16 reaction; or 17 (2) The member has not used the brands covered and, based

18 on the member's past medical history, the prescribing 19 health care provider believes that use of the brands 20 covered would result in an adverse reaction.

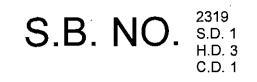
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1	(d) Coverage required by this section shall include
2	reimbursement to a prescribing health care provider or
3	dispensing entity for prescription contraceptive supplies
4	intended to last for up to a twelve-month period for an insured.
5	[ <del>(d)</del> ] <u>(e)</u> For purposes of this section:
6	"Contraceptive services" means physician-delivered,
7	physician-supervised, physician assistant-delivered, [ <del>nurse</del>
8	practitioner-delivered, certified nurse-midwife-delivered,]
9	advanced practice registered nurse-delivered, nurse-delivered,
10	or pharmacist-delivered medical services intended to promote the
11	effective use of contraceptive supplies or devices to prevent
12	unwanted pregnancy.
13	"Contraceptive supplies" means all United States Food and
14	Drug Administration-approved contraceptive drugs or devices used
15	to prevent unwanted pregnancy.
16	$\left[\frac{(e)}{(f)}\right]$ Nothing in this section shall be construed to
17	extend the practice or privileges of any health care provider
18	beyond that provided in the laws governing the provider's
19	practice and privileges."
20	SECTION 3. Section 432:1-604.5, Hawaii Revised Statutes,
21	is amended to read as follows:

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i.



1	"§432:1-604.5 Contraceptive services. (a)			
2	Notwithstanding any provision of law to the contrary, each			
3	employer group health policy, contract, plan, or agreement			
4	issued or renewed in this State on or after January 1, 2000,			
5	shall cease to exclude contraceptive services or supplies, and			
6	contraceptive prescription drug coverage for the subscriber or			
7	any dependent of the subscriber who is covered by the policy,			
8	subject to the exclusion under section 431:10A-116.7.			
9	(b) Except as provided in subsection (c), all policies,			
10	contracts, plans, or agreements under subsection (a), that			
11	provide contraceptive services or supplies, or prescription drug			
12	coverage, shall not exclude any prescription contraceptive			
13	supplies or impose any unusual copayment, charge, or waiting			
14	requirement for such drug or device.			
15	(c) Coverage for contraceptives shall include at least one			
16	brand from the monophasic, multiphasic, and the progestin-only			
17	categories. A member shall receive coverage for any other oral			
18	contraceptive only if:			
19	(1) Use of brands covered has resulted in an adverse drug			
20	reaction; or			

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1	(2)	The member has not used the brands covered and, based
2		on the member's past medical history, the prescribing
3	:	health care provider believes that use of the brands
4		covered would result in an adverse reaction.
5	(d)	Coverage required by this section shall include
6	reimbursem	ent to a prescribing health care provider or
7	dispensing	entity for prescription contraceptive supplies
8	intended to	o last for up to a twelve-month period for a member.
9	[ <del>(d)</del> ]	(e) For purposes of this section:
10	"Cont:	raceptive services" means physician-delivered,
11	physician-	supervised, physician assistant-delivered, [ <del>nurse</del>
12	practition	er delivered, certified nurse-midwife-delivered,]
13	advanced p	ractice registered nurse-delivered, or nurse-delivered
14	medical se:	rvices intended to promote the effective use of
15	contracept	ive supplies or devices to prevent unwanted pregnancy.
16	"Cont:	raceptive supplies" means all Food and Drug
17	Administra	tion-approved contraceptive drugs or devices used to
18	prevent unv	wanted pregnancy.
19	[ <del>-(e)</del> ]	(f) Nothing in this section shall be construed to
20	extend the	practice or privileges of any health care provider

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	Is a litet movided in the laws sourceming the providents
1	beyond that provided in the laws governing the provider's
2	practice and privileges."
3	SECTION 4. Notwithstanding any other law to the contrary,
4	the reimbursement for prescription contraceptive supplies
5	required under sections 2 and 3 of this Act shall apply to all
6	health benefits plans under chapter 87A, Hawaii Revised
7	Statutes, issued, renewed, modified, altered, or amended on or
8	after January 1, 2017.
9	SECTION 5. The reimbursement for prescription
10	contraceptive supplies required under sections 2 and 3 of this
11	Act shall apply to all plans under medicaid managed care
12	programs in the State.
13	SECTION 6. Statutory material to be repealed is bracketed
14	and stricken. New statutory material is underscored.
15	SECTION 7. This Act shall take effect on July 1, 2016;
16	provided that sections 2 and 3 shall apply to all policies,
17	contracts, plans, or agreements issued or renewed in the State
18	on or after January 1, 2017; provided further that section 5
19	shall take effect upon approval of the Hawaii medicaid state
20	plan by the Centers for Medicare and Medicaid Services.

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Report Title: Insurance; Prescription Contraceptive Supplies; Reimbursement

#### Description:

Requires health insurers in the State, including health benefits plans under the Hawaii Employer-Union Health Benefits Trust Fund and Medicaid managed care programs, to cover reimbursement for contraceptive supplies intended to last for up to a twelve-month period for an insured. (CD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

