

JAN 22 2016

---

# A BILL FOR AN ACT

---

RELATING TO HEALTH.

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

1       SECTION 1. Section 431:10A-116.6, Hawaii Revised Statutes,  
2   is amended to read as follows:

3       "**§431:10A-116.6 Contraceptive services.** (a)

4   Notwithstanding any provision of law to the contrary, each  
5   employer group accident and health or sickness policy, contract,  
6   plan, or agreement issued or renewed in this State on or after  
7   January 1, 2000, shall cease to exclude contraceptive services  
8   or supplies for the subscriber or any dependent of the  
9   subscriber who is covered by the policy, subject to the  
10   exclusion under section 431:10A-116.7.

11       (b) Except as provided in subsection (c), all policies,  
12   contracts, plans, or agreements under subsection (a), that  
13   provide contraceptive services or supplies, or prescription drug  
14   coverage, shall not exclude any prescription contraceptive  
15   supplies or impose any unusual copayment, charge, or waiting  
16   requirement for such supplies.



1        (c) A member shall receive coverage under all policies,  
2 contracts, plans, or agreements under subsection (a) intended  
3 for a:

4        (1) Three-month period of contraceptive supplies upon the  
5 first dispensing of the contraceptive supplies to the  
6 member; and

7        (2) Twelve-month period of contraceptive supplies upon any  
8 subsequent dispensing of the same contraceptive  
9 supplies to the member.

10       ~~[(e)]~~ (d) Coverage for oral contraceptives shall include  
11 at least one brand from the monophasic, multiphasic, and the  
12 progestin-only categories. A member shall receive coverage for  
13 any other oral contraceptive only if:

14       (1) Use of brands covered has resulted in an adverse drug  
15 reaction; or

16       (2) The member has not used the brands covered and, based  
17 on the member's past medical history, the prescribing  
18 health care provider believes that use of the brands  
19 covered would result in an adverse reaction.

20       ~~[(d)]~~ (e) For purposes of this section:



1 "Contraceptive services" means physician-delivered,  
2 physician-supervised, physician assistant-delivered, nurse  
3 practitioner-delivered, certified nurse midwife-delivered,  
4 nurse-delivered, or pharmacist-delivered medical services  
5 intended to promote the effective use of contraceptive supplies  
6 or devices to prevent unwanted pregnancy.

7 "Contraceptive supplies" means all United States Food and  
8 Drug Administration-approved contraceptive drugs or devices used  
9 to prevent unwanted pregnancy.

10 [~~(e)~~] (f) Nothing in this section shall be construed to  
11 extend the practice or privileges of any health care provider  
12 beyond that provided in the laws governing the provider's  
13 practice and privileges."

14 SECTION 2. Section 432:1-604.5, Hawaii Revised Statutes,  
15 is amended to read as follows:

16 "§432:1-604.5 Contraceptive services. (a)  
17 Notwithstanding any provision of law to the contrary, each  
18 employer group health policy, contract, plan, or agreement  
19 issued or renewed in this State on or after January 1, 2000,  
20 shall cease to exclude contraceptive services or supplies, and  
21 contraceptive prescription drug coverage for the subscriber or



1 any dependent of the subscriber who is covered by the policy,  
2 subject to the exclusion under section 431:10A-116.7.

3 (b) Except as provided in subsection (c), all policies,  
4 contracts, plans, or agreements under subsection (a), that  
5 provide contraceptive services or supplies, or prescription drug  
6 coverage, shall not exclude any prescription contraceptive  
7 supplies or impose any unusual copayment, charge, or waiting  
8 requirement for such drug or device.

9 (c) A member shall receive coverage under all policies,  
10 contracts, plans, or agreements under subsection (a), intended  
11 for a:

12 (1) Three-month period of contraceptive supplies upon the  
13 first dispensing of the contraceptive supplies to the  
14 member; and

15 (2) Twelve-month period of contraceptive supplies upon any  
16 subsequent dispensing of the same contraceptive  
17 supplies to the member.

18 [~~e~~] (d) Coverage for contraceptives shall include at  
19 least one brand from the monophasic, multiphasic, and the  
20 progestin-only categories. A member shall receive coverage for  
21 any other oral contraceptive only if:



(1) Use of brands covered has resulted in an adverse drug reaction; or

(2) The member has not used the brands covered and, based on the member's past medical history, the prescribing health care provider believes that use of the brands covered would result in an adverse reaction.

~~[(d)]~~ (e) For purposes of this section:

"Contraceptive services" means physician-delivered, physician-supervised, physician assistant-delivered, nurse practitioner-delivered, certified nurse midwife-delivered, or nurse-delivered medical services intended to promote the effective use of contraceptive supplies or devices to prevent unwanted pregnancy.

"Contraceptive supplies" means all Food and Drug Administration-approved contraceptive drugs or devices used to prevent unwanted pregnancy.

~~[(e)]~~ (f) Nothing in this section shall be construed to extend the practice or privileges of any health care provider beyond that provided in the laws governing the provider's practice and privileges."



# S.B. NO. 2432

1       SECTION 3. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3       SECTION 4. This Act shall take effect upon its approval.  
4

INTRODUCED BY: ~~SEN. D.C. KIRCH-AGA~~

Matt R

Rosslyn H. Beh

Donna L. D. R



# S.B. NO. 2432

**Report Title:**

Contraceptive Services

**Description:**

Requires insurance coverage for a member obtaining a three-month amount of contraceptive supplies upon the first dispensing of a prescription for the supplies, and a twelve-month amount of contraceptive supplies upon any subsequent dispensing.

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

