



1997 ASSEMBLY BILL 945

March 24, 1998 - Introduced by Representatives R. YOUNG, ROBSON, BOCK, CARPENTER, BALDWIN, MORRIS-TATUM, CULLEN and RILEY, cosponsored by Senator RISSER. Referred to Committee on Health.

1 **AN ACT to amend** 40.51 (8), 40.51 (8m), 60.23 (25), 66.184, 111.91 (2) (n), 120.13
2 (2) (g), 185.981 (4t) and 185.983 (1) (intro.); and **to create** 632.895 (14) of the
3 statutes; **relating to:** health insurance coverage of smoking cessation
4 treatment and medications.

Analysis by the Legislative Reference Bureau

This bill requires a health care plan to provide coverage of smoking cessation treatment that is provided in conformity with recommendations set forth in a publication of the federal agency for health care policy and research, as well as coverage of certain specified smoking cessation medications. The coverage requirement applies to both individual and group health insurance policies and plans, including plans offered by health maintenance organizations, preferred provider plans and cooperative sickness care associations; to health care plans offered by the state to its employees, including a self-insured plan; and to self-insured health plans of counties, cities, towns, villages and school districts. The requirement does not apply to health care plans that are offered by limited service health organizations or to health care plans that cover only specified diseases. The requirement may be subject to any limitations, exclusions or cost-sharing provisions that apply generally under the policy or plan.

ASSEMBLY BILL 945

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 40.51 (8) of the statutes, as affected by 1997 Wisconsin Act 27,
2 section 1324m, is amended to read:

3 40.51 **(8)** Every health care coverage plan offered by the state under sub. (6)
4 shall comply with ss. 631.89, 631.90, 631.93 (2), 632.72 (2), 632.746 (1) to (8) and (10),
5 632.747, 632.748, 632.87 (3) to (5), 632.895 (5m) and (8) to ~~(13)~~ (14) and 632.896.

6 **SECTION 2.** 40.51 (8m) of the statutes, as affected by 1997 Wisconsin Act 27,
7 section 1325m, is amended to read:

8 40.51 **(8m)** Every health care coverage plan offered by the group insurance
9 board under sub. (7) shall comply with ss. 632.746 (1) to (8) and (10), 632.747 and,
10 632.748 and 632.895 (11) to ~~(13)~~ (14).

11 **SECTION 3.** 60.23 (25) of the statutes, as affected by 1997 Wisconsin Act 27,
12 section 2178p, is amended to read:

13 60.23 **(25)** SELF-INSURED HEALTH PLANS. Provide health care benefits to its
14 officers and employes on a self-insured basis if the self-insured plan complies with
15 ss. 631.89, 631.90, 631.93 (2), 632.746 (10) (a) 2. and (b) 2., 632.747 (3), 632.87 (4) and
16 (5), 632.895 (9) and (11) to ~~(13)~~ (14) and 632.896.

17 **SECTION 4.** 66.184 of the statutes, as affected by 1997 Wisconsin Act 27, section
18 2210m, is amended to read:

19 **66.184 Self-insured health plans.** If a city, including a 1st class city, or a
20 village provides health care benefits under its home rule power, or if a town provides
21 health care benefits, to its officers and employes on a self-insured basis, the

ASSEMBLY BILL 945

1 self-insured plan shall comply with ss. 49.493 (3) (d), 631.89, 631.90, 631.93 (2),
2 632.746 (10) (a) 2. and (b) 2., 632.747 (3), 632.87 (4) and (5), 632.895 (9) to ~~(13)~~ (14),
3 632.896, 767.25 (4m) (d) and 767.51 (3m) (d).

4 **SECTION 5.** 111.91 (2) (n) of the statutes, as created by 1997 Wisconsin Act 27,
5 is amended to read:

6 111.91 **(2)** (n) The provision to employes of the health insurance coverage
7 required under s. 632.895 (11) to ~~(13)~~ (14).

8 **SECTION 6.** 120.13 (2) (g) of the statutes, as affected by 1997 Wisconsin Act 27,
9 section 2860f, is amended to read:

10 120.13 **(2)** (g) Every self-insured plan under par. (b) shall comply with ss.
11 49.493 (3) (d), 631.89, 631.90, 631.93 (2), 632.746 (10) (a) 2. and (b) 2., 632.747 (3),
12 632.87 (4) and (5), 632.895 (9) to ~~(13)~~ (14), 632.896, 767.25 (4m) (d) and 767.51 (3m)
13 (d).

14 **SECTION 7.** 185.981 (4t) of the statutes, as affected by 1997 Wisconsin Act 27,
15 section 3133m, is amended to read:

16 185.981 **(4t)** A sickness care plan operated by a cooperative association is
17 subject to ss. 252.14, 631.89, 632.72 (2), 632.745 to 632.749, 632.87 (2m), (3), (4) and
18 (5), 632.895 (10) to ~~(13)~~ (14) and 632.897 (10) and chs. 149 and 155.

19 **SECTION 8.** 185.983 (1) (intro.) of the statutes, as affected by 1997 Wisconsin
20 Act 27, section 3134m, is amended to read:

21 185.983 **(1)** (intro.) Every such voluntary nonprofit sickness care plan shall be
22 exempt from chs. 600 to 646, with the exception of ss. 601.04, 601.13, 601.31, 601.41,
23 601.42, 601.43, 601.44, 601.45, 611.67, 619.04, 628.34 (10), 631.89, 631.93, 632.72
24 (2), 632.745 to 632.749, 632.775, 632.79, 632.795, 632.87 (2m), (3), (4) and (5),

ASSEMBLY BILL 945

1 632.895 (5) and (9) to ~~(13)~~ (14), 632.896 and 632.897 (10) and chs. 609, 630, 635, 645
2 and 646, but the sponsoring association shall:

3 **SECTION 9.** 632.895 (14) of the statutes is created to read:

4 632.895 **(14)** SMOKING CESSATION TREATMENT AND MEDICATION. (a) In this
5 subsection, "self-insured health plan" means a self-insured health plan of the state
6 or a county, city, village, town or school district.

7 (b) 1. Subject to subd. 2. and except as provided in par. (e), every disability
8 insurance policy and every self-insured health plan shall provide coverage of
9 smoking cessation treatment that is provided in conformity with the
10 recommendations set forth in Clinical Practice Guideline Number 18, Smoking
11 Cessation, publication number 96-0692, published by the federal department of
12 health and human services, agency for health care policy and research.

13 2. A disability insurance policy or self-insured health plan is not required to
14 cover a course of treatment specified in subd. 1. more than one time in a year.

15 (c) Except as provided in par. (e), every disability insurance policy and every
16 self-insured health plan shall provide coverage of all of the following medications
17 prescribed for smoking cessation:

- 18 1. Nicotine gum.
- 19 2. Nicotine patch.
- 20 3. Nicotine nasal spray.
- 21 4. Nicotine inhaler.
- 22 5. Zyban.

23 (d) The coverage required under pars. (b) and (c) may be subject to any
24 limitations, exclusions or cost-sharing provisions that apply generally under the
25 disability insurance policy or self-insured plan.

ASSEMBLY BILL 945

1 (e) This subsection does not apply to any of the following:

2 1. A health care plan offered by a limited service health organization, as defined
3 in s. 609.01 (3).

4 2. A disability insurance policy that covers only certain specified diseases.

5 **SECTION 10. Initial applicability.**

6 (1) This act first applies to all of the following:

7 (a) Except as provided in paragraphs (b) and (c), disability insurance policies
8 that are issued or renewed, and self-insured health plans that are established,
9 extended, modified or renewed, on the effective date of this paragraph.

10 (b) Disability insurance policies covering employes who are affected by a
11 collective bargaining agreement containing provisions inconsistent with this act
12 that are issued or renewed on the earlier of the following:

13 1. The day on which the collective bargaining agreement expires.

14 2. The day on which the collective bargaining agreement is extended, modified
15 or renewed.

16 (c) Self-insured health plans covering employes who are affected by a collective
17 bargaining agreement containing provisions inconsistent with this act that are
18 established, extended, modified or renewed on the earlier of the following:

19 1. The day on which the collective bargaining agreement expires.

20 2. The day on which the collective bargaining agreement is extended, modified
21 or renewed.

22 **SECTION 11. Effective date.**

23 (1) This act takes effect on the first day of the 6th month beginning after
24 publication.

25

(END)