



1997 ASSEMBLY BILL 693

January 6, 1998 - Introduced by Representatives R. YOUNG, NOTESTEIN, BOCK, BOYLE, L. YOUNG, COGGS and WASSERMAN, cosponsored by Senator MOORE. Referred to Committee on Insurance, Securities and Corporate Policy.

1 **AN ACT to amend** 40.51 (8), 40.51 (8m), 60.23 (25), 66.184, 120.13 (2) (g), 185.981
2 (4t) and 185.983 (1) (intro.); and **to create** 111.91 (2) (n) and 632.895 (11) of the
3 statutes; **relating to:** requiring disability insurance policies to cover
4 contraceptive articles and services.

Analysis by the Legislative Reference Bureau

This bill requires every health insurance policy (called "disability insurance policy" in the statutes), including health care plans offered by health maintenance organizations, preferred provider plans and the state, and every self-insured health plan of a school district, county, city or village, to provide coverage for contraceptive articles and services if the policy or plan covers outpatient health care services. Contraceptive articles include any drug or device that is approved by the federal food and drug administration (FDA) and prescribed by a licensed health care provider for use to prevent a pregnancy and any hormonal compound that is taken orally and approved by the FDA for use to prevent a pregnancy. A contraceptive article, however, does not include any drug or device that is prescribed for use in terminating a pregnancy of a woman who is known to be pregnant by the prescribing health care provider. Contraceptive services include medical procedures performed to prevent a pregnancy and physical examinations and medical counseling for the prescription or use of a contraceptive article. Specifically excluded from this coverage requirement are health insurance policies that cover only certain specified diseases, health care plans offered by limited service health organizations, medicare replacement and supplement policies and long-term care insurance policies.

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Deductibles and copayments that apply generally to the policy or plan may apply to contraceptive articles and services.

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 1995 Wisconsin Act 289, is
2 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), 632.745 (1) to (3) and (5),
5 632.747, 632.87 (3) to (5), 632.895 (5m) and (8) to ~~(10)~~ (11) and 632.896.

6 **SECTION 2.** 40.51 (8m) of the statutes, as created by 1995 Wisconsin Act 289,
7 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. 632.745 (1) to (3) and (5) ~~and~~, 632.747 and
10 632.895 (11).

11 **SECTION 3.** 60.23 (25) of the statutes, as affected by 1995 Wisconsin Act 289,
12 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), 632.745 (2), (3) and (5) (a) 2. and (b) 2., 632.747 (3),
16 632.87 (4) and (5), 632.895 (9) and (11) and 632.896.

17 **SECTION 4.** 66.184 of the statutes, as affected by 1995 Wisconsin Act 289, is
18 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

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1 health care benefits, to its officers and employes on a self-insured basis, the
2 self-insured plan shall comply with ss. 49.493 (3) (d), 631.89, 631.90, 631.93 (2),
3 632.745 (2), (3) and (5) (a) 2. and (b) 2., 632.747 (3), 632.87 (4) and (5), 632.895 (9) and
4 ~~(10) to (11)~~, 632.896, 767.25 (4m) (d) and 767.51 (3m) (d).

5 **SECTION 5.** 111.91 (2) (n) of the statutes is created to read:

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

8 **SECTION 6.** 120.13 (2) (g) of the statutes, as affected by 1995 Wisconsin Act 289,
9 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), 632.745 (2), (3) and (5) (a) 2. and (b) 2.,
12 632.747 (3), 632.87 (4) and (5), 632.895 (9) and ~~(10) to (11)~~, 632.896, 767.25 (4m) (d)
13 and 767.51 (3m) (d).

14 **SECTION 7.** 185.981 (4t) of the statutes, as affected by 1995 Wisconsin Act 289,
15 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, 632.747, 632.749, 632.87 (2m), (3),
18 (4) and (5), 632.895 (10) and (11) and 632.897 (10) and ch. 155.

19 **SECTION 8.** 185.983 (1) (intro.) of the statutes, as affected by 1995 Wisconsin
20 Act 289, 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, 632.747, 632.749, 632.775, 632.79, 632.795, 632.87 (2m), (3), (4) and (5),

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1 632.895 (5), ~~(9) and (10)~~ and (9) to (11), 632.896 and 632.897 (10), subch. II of ch. 619
2 and chs. 609, 630, 635, 645 and 646, but the sponsoring association shall:

3 **SECTION 9.** 632.895 (11) of the statutes is created to read:

4 632.895 (11) CONTRACEPTIVE ARTICLES AND SERVICES. (a) In this subsection,
5 “contraceptive article” means any drug, medicine, mixture, preparation, instrument,
6 article or device of any nature that is approved by the federal food and drug
7 administration for use to prevent a pregnancy and that is prescribed by a licensed
8 health care provider for use to prevent a pregnancy, or any hormonal compound that
9 is taken orally and that is approved by the federal food and drug administration for
10 use to prevent a pregnancy. “Contraceptive article” does not include any drug,
11 medicine, mixture, preparation, instrument, article or device of any nature
12 prescribed for use in terminating the pregnancy of a woman who is known by the
13 prescribing licensed health care provider to be pregnant.

14 (b) Every disability insurance policy, and every self-insured health plan of a
15 county, city, village or school district, that provides coverage of outpatient health care
16 services shall provide coverage for all of the following:

17 1. Contraceptive articles.

18 2. Medical services, including counseling and physical examinations, for the
19 prescription or use of a contraceptive article or of a procedure to prevent a pregnancy.

20 3. Medical procedures performed to prevent a pregnancy.

21 (c) Coverage under this subsection may be subject to exclusions or limitations,
22 including copayments and deductibles, that apply generally to the benefits that are
23 provided under the policy or plan.

24 (d) This subsection does not apply to any of the following:

25 1. A disability insurance policy that covers only certain specified diseases.

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

3 3. A medicare replacement policy, a medicare supplement policy or a long-term
4 care insurance policy.

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 5th month beginning after
24 publication.

25

(END)