



## 1997 SENATE BILL 206

May 13, 1997 - Introduced by Senators PLACHE, MOEN, CLAUSING, WINEKE, RUDE, BRESKE and ROSENZWEIG, cosponsored by Representatives HUEBSCH, HANDRICK, KELSO, HANSON, MUSSER, R. YOUNG, SERATTI, CULLEN, TURNER, BLACK, BAUMGART, BOCK, LA FAVE, GRONEMUS, MORRIS-TATUM, STASKUNAS, NOTESTEIN, WASSERMAN, COGGS, MURAT, J. LEHMAN, PLOUFF, HASENOHRL and BALDWIN. Referred to Committee on Health, Human Services, Aging, Corrections, Veterans and Military Affairs.

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 insurance coverage of certain immunizations  
4           for children.

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### *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 the state or a county, city, town, village or school district, to provide coverage of appropriate and necessary immunizations, specified in the bill, from birth to age 2, for a dependent child of the insured if the policy or plan covers a dependent of the insured. (Under current law, health insurance policies are required to cover a newly born child of the insured, even if the policy did not provide coverage for dependents at the time of the birth.) Coverage of the specified immunizations may not be subject to any deductibles, coinsurance or copayments under the policy or plan. 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 or supplement policies and long-term care insurance policies.

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

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*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  
21 health care benefits, to its officers and employes on a self-insured basis, the

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

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

5 111.91 (2) (n) The provision to employes of the health insurance coverage  
6 required under s. 632.895 (11).

7 **SECTION 6.** 120.13 (2) (g) of the statutes, as affected by 1995 Wisconsin Act 289,  
8 is amended to read:

9 120.13 (2) (g) Every self-insured plan under par. (b) shall comply with ss.  
10 49.493 (3) (d), 631.89, 631.90, 631.93 (2), 632.745 (2), (3) and (5) (a) 2. and (b) 2.,  
11 632.747 (3), 632.87 (4) and (5), 632.895 (9) and ~~(10)~~ to (11), 632.896, 767.25 (4m) (d)  
12 and 767.51 (3m) (d).

13 **SECTION 7.** 185.981 (4t) of the statutes, as affected by 1995 Wisconsin Act 289,  
14 is amended to read:

15 185.981 (4t) A sickness care plan operated by a cooperative association is  
16 subject to ss. 252.14, 631.89, 632.72 (2), 632.745, 632.747, 632.749, 632.87 (2m), (3),  
17 (4) and (5), 632.895 (10) and (11) and 632.897 (10) and ch. 155.

18 **SECTION 8.** 185.983 (1) (intro.) of the statutes, as affected by 1995 Wisconsin Act  
19 289, is amended to read:

20 185.983 (1) (intro.) Every such voluntary nonprofit sickness care plan shall be  
21 exempt from chs. 600 to 646, with the exception of ss. 601.04, 601.13, 601.31, 601.41,  
22 601.42, 601.43, 601.44, 601.45, 611.67, 619.04, 628.34 (10), 631.89, 631.93, 632.72  
23 (2), 632.745, 632.747, 632.749, 632.775, 632.79, 632.795, 632.87 (2m), (3), (4) and (5),  
24 632.895 (5), ~~(9) and (10)~~ and (9) to (11), 632.896 and 632.897 (10), subch. II of ch. 619  
25 and chs. 609, 630, 635, 645 and 646, but the sponsoring association shall:

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

2           632.895 **(11)** COVERAGE OF IMMUNIZATIONS. (a) In this subsection:

3           1. “Appropriate and necessary immunizations” means the administration of  
4 vaccine that meets the standards approved by the U.S. public health service for such  
5 biological products against at least all of the following:

6           a. Diphtheria.

7           b. Pertussis.

8           c. Tetanus.

9           d. Polio.

10          e. Measles.

11          f. Mumps.

12          g. Rubella.

13          h. Any other disease for which immunization is recommended by the state  
14 health officer appointed under s. 250.02 (1).

15          2. “Dependent” has the meaning given in s. 635.02 (3c).

16          (b) Except as provided in par. (d), every disability insurance policy, and every  
17 self-insured health plan of the state or a county, city, town, village or school district,  
18 that provides coverage for a dependent of the insured shall provide coverage of  
19 appropriate and necessary immunizations, from birth to the age of 2 years, for a  
20 dependent who is a child of the insured.

21          (c) The coverage required under par. (b) may not be subject to any deductibles,  
22 copayments or coinsurance under the policy or plan.

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

24          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 long-term care insurance policy, as defined in s. 600.03 (28g).

4           4. A medicare replacement policy, as defined in s. 600.03 (28p).

5           5. A medicare supplement policy, as defined in s. 600.03 (28r).

6           **SECTION 10. Initial applicability.**

7           (1) The treatment of sections 40.51 (8) and (8m), 60.23 (25), 66.184, 111.91 (2)  
8 (n), 120.13 (2) (g), 185.981 (4t), 185.983 (1) (intro.) and 632.895 (11) of the statutes  
9 first applies to all of the following:

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

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

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

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

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

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

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

25           **SECTION 11. Effective date.**

