

**1999 DRAFTING REQUEST**

**Bill**

Received: **11/13/98**

Received By: **kahlepj**

Wanted: **As time permits**

Identical to LRB: **97 AB 945**

For: **Spencer Black (608) 266-7521**

By/Representing: **himself**

This file may be shown to any legislator: **NO**

Drafter: **kahlepj**

May Contact:

Alt. Drafters:

Subject: **Insurance - health**

Extra Copies:

**Pre Topic:**

No specific pre topic given

**Topic:**

Require health insurers to cover smoking cessation treatment

**Instructions:**

See Attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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/1			martykr 12/18/98	_____	lrb_docadmin 12/18/98	lrb_docadminS&L 12/22/98	
/2	kahlepj 03/24/99	wjackson 03/24/99	martykr 03/26/99	_____	lrb_docadmin 03/26/99	lrb_docadmin 03/26/99	

FE Sent For: .

04-08-99

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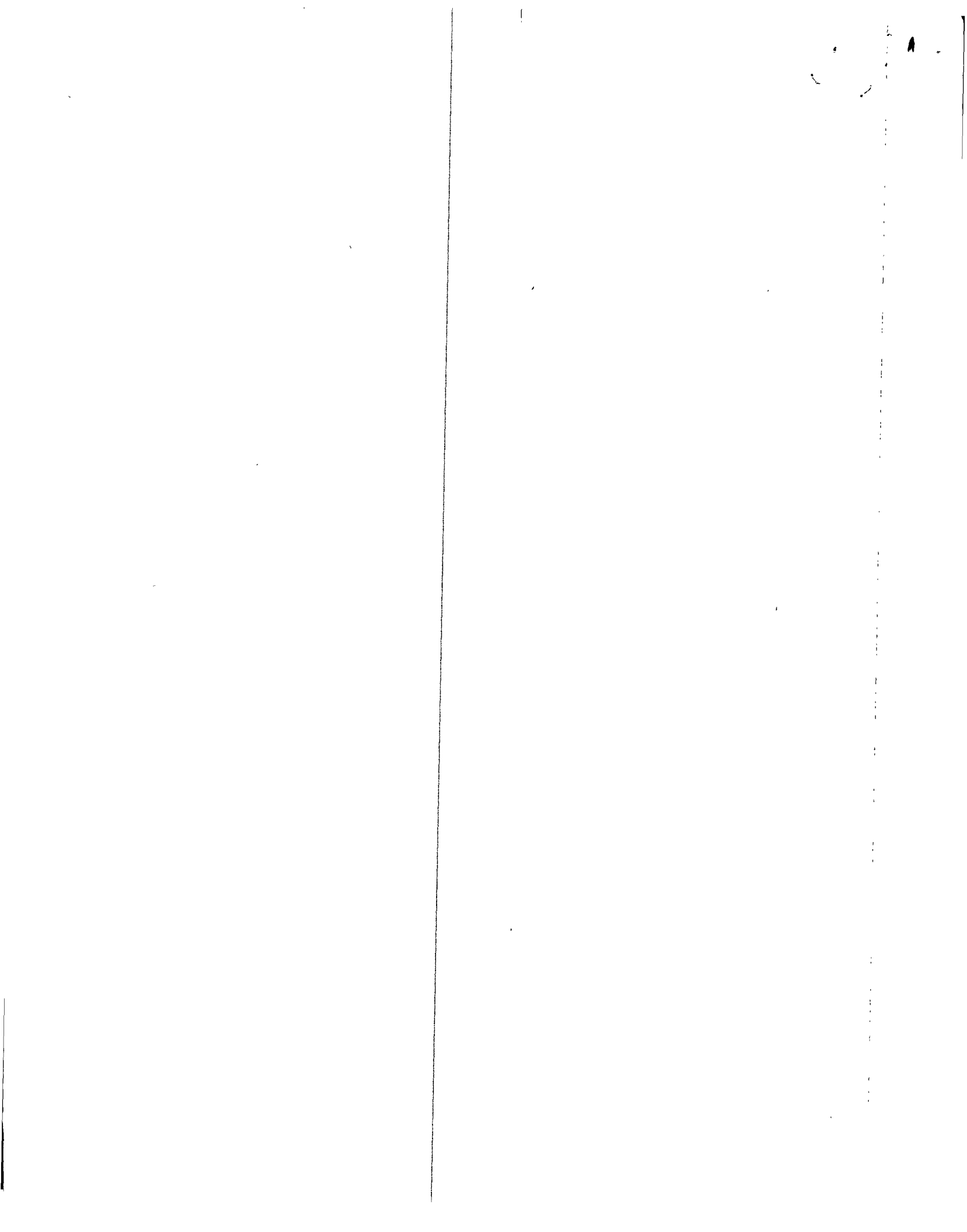
See Attached

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Handwritten notes: km 3/24, J 3, km 26

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**Instructions:**

See Attached

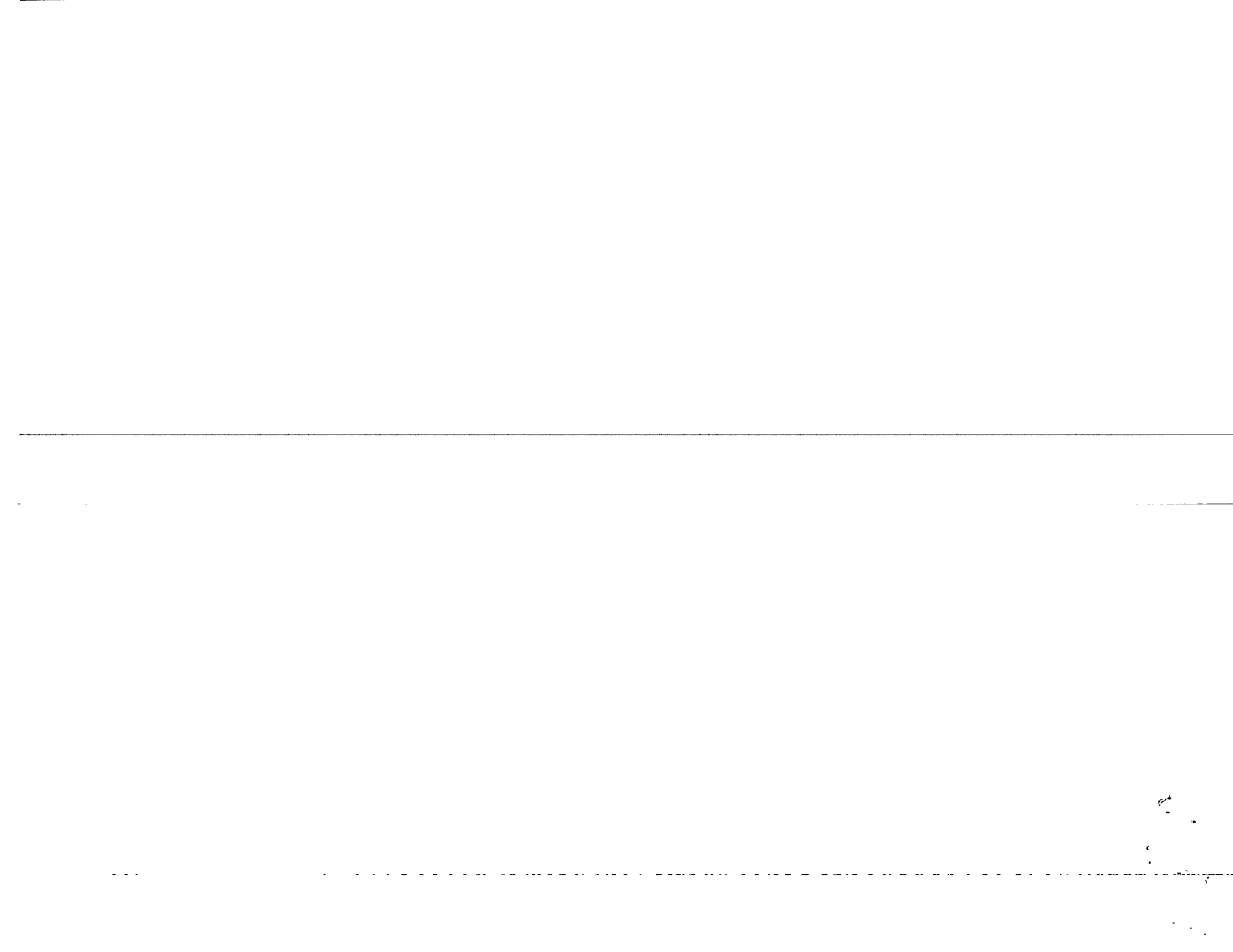
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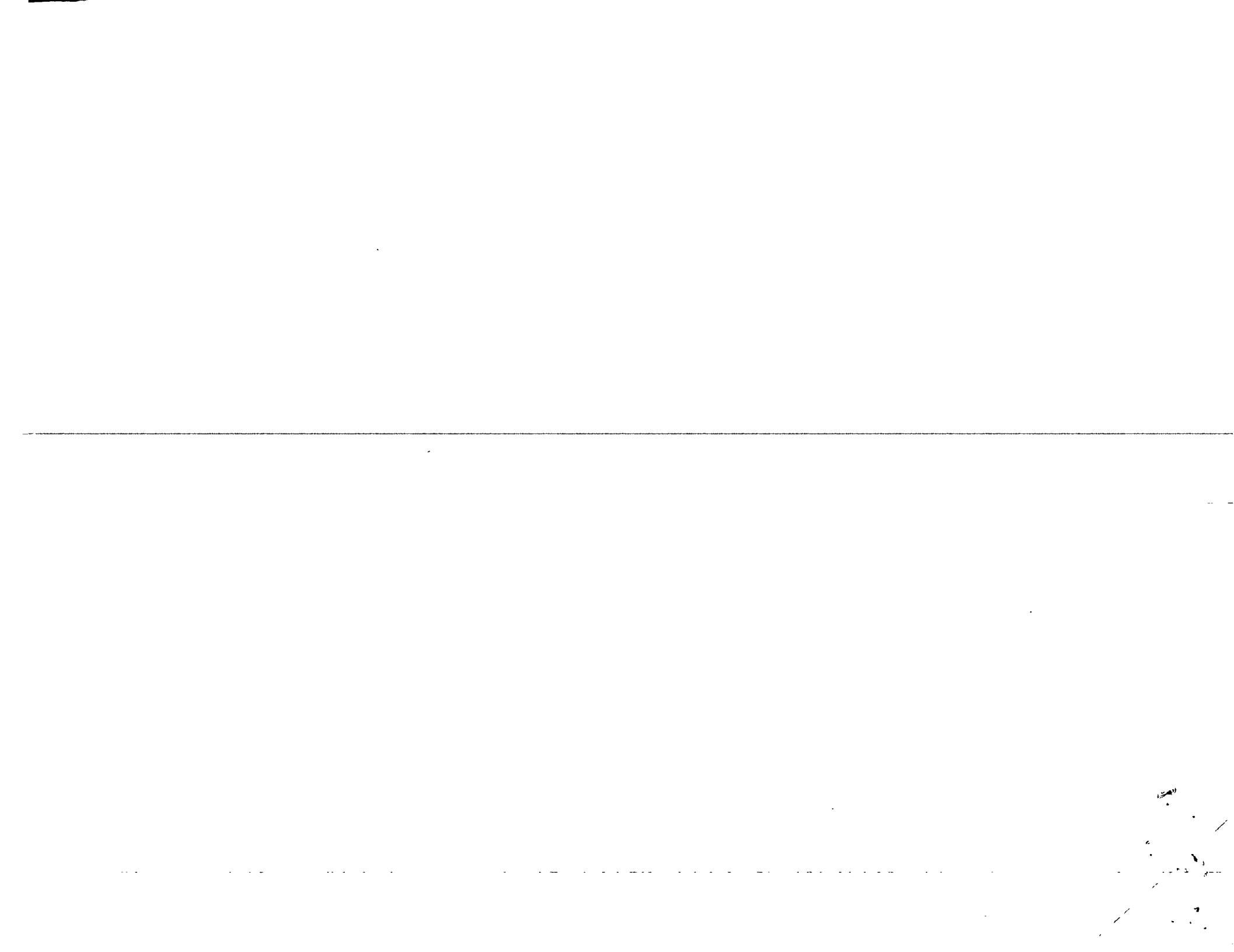
See Attached

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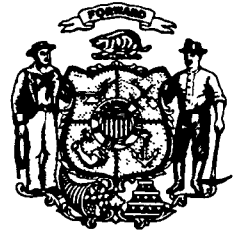
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1?	kahlepj	1 Wlj 12/15 1 jlg 12/18	<i>[Signature]</i> 12/18	<i>[Signature]</i> 12/18			

FE Sent For:

<END>



# State Representative Spencer Black



State Capitol  
P.O. Box 8952  
Madison, WI 53708  
(608) 266-7521

To: Peter Dykman, Chief of Legislative Reference Bureau

From: Representative Spencer Black

Date: November 11, 1998

Re: Redrafts of 1997 Assembly Bills for the upcoming 1999-2000 legislative session.

**Please redraft the following 1997 Assembly Bills (as is) for the upcoming session:**

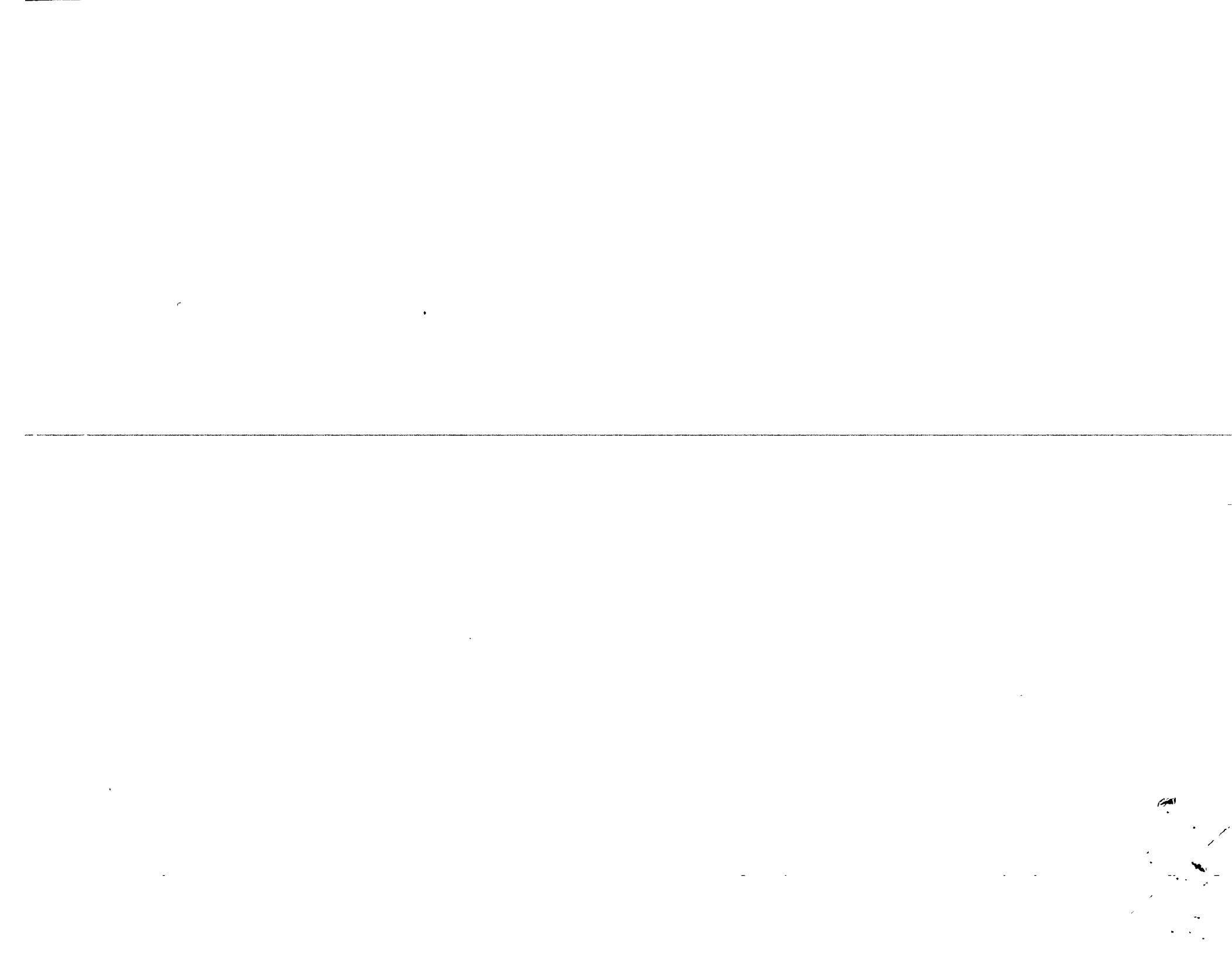
~~AB 13~~  
~~AB 166~~  
~~AB 405~~  
~~AB 407~~  
~~AB 434~~  
~~AB 598~~  
~~AB 822~~  
~~AB 823~~  
~~AB 834~~  
~~AB 835~~  
AB 945

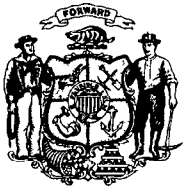
**Please redraft the following 1997 Assembly Bills with simple modifications as listed below:**

AB 71: Redraft the bill to include only sections 1,2,3.

AB 393: In section 1 of the bill, change the cross reference s.59.971(1m) on page 1, line 5, to read s.59.692(1m).

AB 367: Redraft the bill to include Assembly Substitute Amendment 1 to 1997 Assembly Bill 367





State of Wisconsin  
1997 - 1998 LEGISLATURE

0857/1  
LRB-5098/1  
PJK:jlg:hmb  
Wlj+JLg

1999 Bill

WFO  
check  
auto refs

**1997 ASSEMBLY BILL 945**

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

regenerate ↓

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

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)<sup>✓</sup> of the statutes is amended to read:

2           40.51 (8) Every health care coverage plan offered by the state under sub. (6)  
3 shall comply with ss. 631.89, 631.90, 631.93 (2), 632.72 (2), 632.746 (1) to (8) and (10),  
4 632.747, 632.748, 632.85, 632.853, 632.855, 632.87 (3) to (5), 632.895 (5m) and (8) to  
5 (13)<sup>✓</sup> (14)<sup>↓</sup> and 632.896.

6           **SECTION 2.** 40.51 (8m)<sup>✓</sup> of the statutes is amended to read:

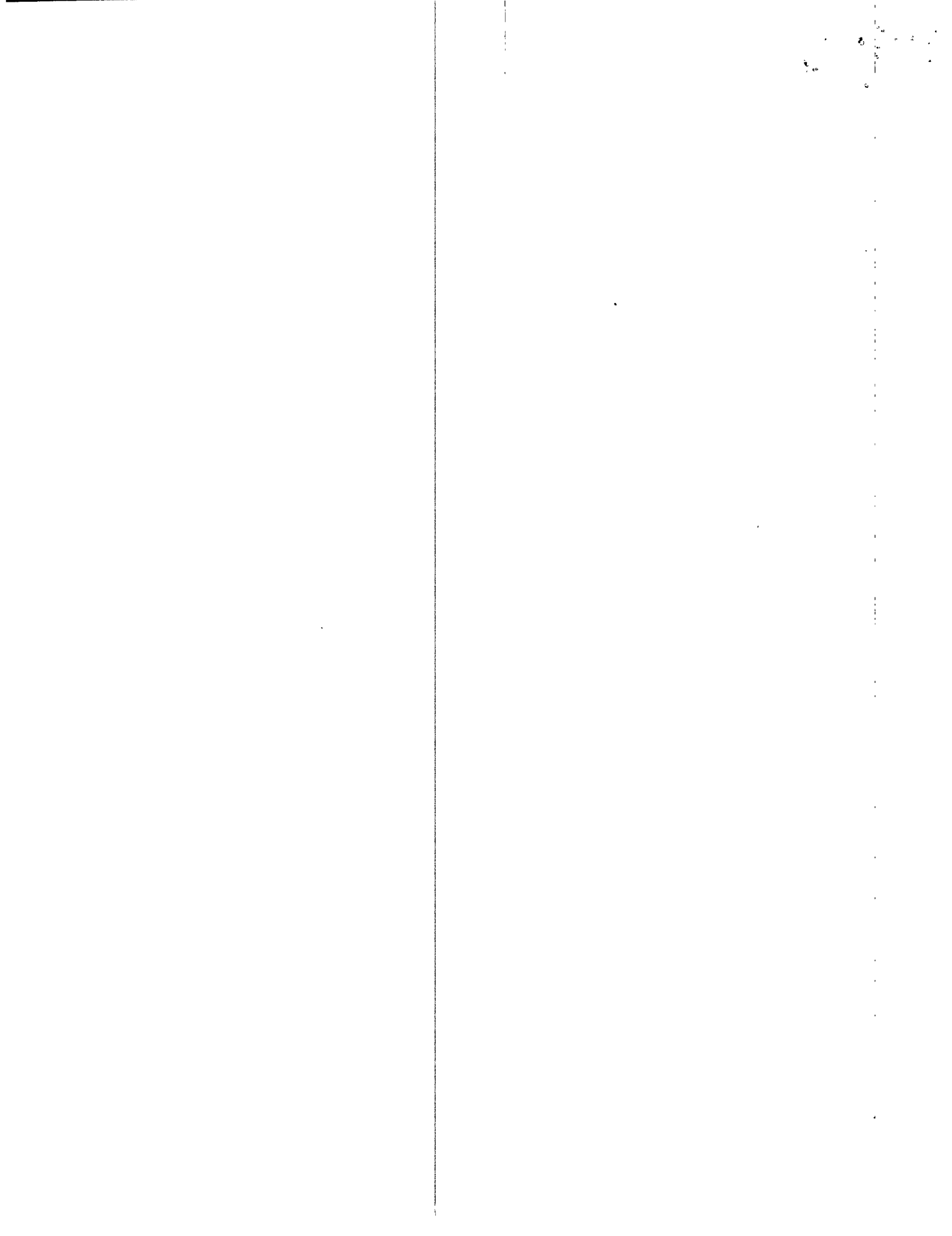
7           40.51 (8m) Every health care coverage plan offered by the group insurance  
8 board under sub. (7) shall comply with ss. 632.746 (1) to (8) and (10), 632.747,  
9 632.748, 632.85, 632.853, 632.855 and 632.895 (11) to (13)<sup>✓</sup> (14)<sup>✓</sup>.

10          **SECTION 3.** 60.23 (25)<sup>✓</sup> of the statutes is amended to read:

11          60.23 (25) SELF-INSURED HEALTH PLANS. Provide health care benefits to its  
12 officers and employes on a self-insured basis if the self-insured plan complies with  
13 ss. 631.89, 631.90, 631.93 (2), 632.746 (10) (a) 2. and (b) 2., 632.747 (3), 632.85,  
14 632.853, 632.855, 632.87 (4) and (5), 632.895 (9) and (11) to (13)<sup>✓</sup> (14)<sup>✓</sup> and 632.896.

15          **SECTION 4.** 66.184<sup>✓</sup> of the statutes is amended to read:

16          **66.184 Self-insured health plans.** If a city, including a 1st<sup>✓</sup> class city, or a  
17 village provides health care benefits under its home rule power, or if a town provides  
18 health care benefits, to its officers and employes on a self-insured basis, the  
19 self-insured plan shall comply with ss. 49.493 (3) (d), 631.89, 631.90, 631.93 (2),  
20 632.746 (10) (a) 2. and (b) 2., 632.747 (3), 632.85, 632.853, 632.855, 632.87 (4) and (5),





632.895 (9) to ~~(13)~~ <sup>✓</sup>(14), 632.896, 767.25 (4m) (d), 767.51 (3m) (d) and 767.62 (4) (b) 4.

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

111.91 (2) (r) The provision to employees of the health insurance coverage required under s. 632.895 (14).

SECTION 6. 120.13 (2) (g) of the statutes is amended to read:

120.13 (2) (g) Every self-insured plan under par. (b) shall comply with ss. 49.493 (3) (d), 631.89, 631.90, 631.93 (2), 632.746 (10) (a) 2. and (b) 2., 632.747 (3), 632.85, 632.853, 632.855, 632.87 (4) and (5), 632.895 (9) to ~~(13)~~ <sup>✓</sup>(14), 632.896, 767.25 (4m) (d), 767.51 (3m) (d) and 767.62 (4) (b) 4.

SECTION 7. 185.981 (4t) of the statutes is amended to read:

185.981 (4t) A sickness care plan operated by a cooperative association is subject to ss. 252.14, 631.89, 632.72 (2), 632.745 to 632.749, 632.85, 632.853, 632.855, 632.87 (2m), (3), (4) and (5), 632.895 (10) to ~~(13)~~ <sup>✓</sup>(14) and 632.897 (10) and chs. 149 and 155.

SECTION 8. 185.983 (1) (intro.) of the statutes is amended to read:

185.983 (1) (intro.) Every such voluntary nonprofit sickness care plan shall be exempt from chs. 600 to 646, with the exception of ss. 601.04, 601.13, 601.31, 601.41, 601.42, 601.43, 601.44, 601.45, 611.67, 619.04, 628.34 (10), 631.89, 631.93, 632.72 (2), 632.745 to 632.749, 632.775, 632.79, 632.795, 632.85, 632.853, 632.855, 632.87 (2m), (3), (4) and (5), 632.895 (5) and (9) to ~~(13)~~ <sup>✓</sup>(14), 632.896 and 632.897 (10) and chs. 609, 630, 635, 645 and 646, but the sponsoring association shall:

SECTION 9. 609.86 of the statutes is created to read:

609.86 Coverage of ~~preventive pediatric health care services~~. Managed care plans and preferred provider plans are subject to s. 632.895 (14).<sup>✓</sup>

③ smoking cessation treatment

Insert 3-5

23

24

25

ASSEMBLY BILL 945

NOTE

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

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

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

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

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

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

1. Nicotine gum.
2. Nicotine patch.
3. Nicotine nasal spray.
4. Nicotine inhaler.
5. Zyban.

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



Ins. 3-5

Section #. 111.91 (2) (n) of the statutes is amended to read:

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

~~History: 1971 c. 270; 1975 c. 39, 224; 1977 c. 196; 1979 c. 221; 1983 a. 27; 1985 a. 42; 1987 a. 27, 287, 331; 1989 a. 13, 31, 323; 1991 a. 269, 289; 1995 a. 27, 289; 1995 a. 302 s. 48; 1997 a. 27, 35, 155, 237.~~

(end of ins. 3-5)

**SUBMITTAL  
FORM**

**LEGISLATIVE REFERENCE BUREAU  
Legal Section Telephone: 266-3561  
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

**Date:** 12/18/98

**To:** Representative Black

**Relating to LRB drafting number:** LRB-0857

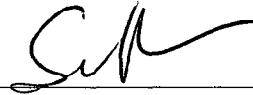
**Topic**

Require health insurers to cover smoking cessation treatment

**Subject(s)**

Insurance - health

1. **JACKET** the draft for introduction \_\_\_\_\_



in the **Senate** \_\_\_\_ or the **Assembly** \_\_\_\_ (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached \_\_\_\_\_.

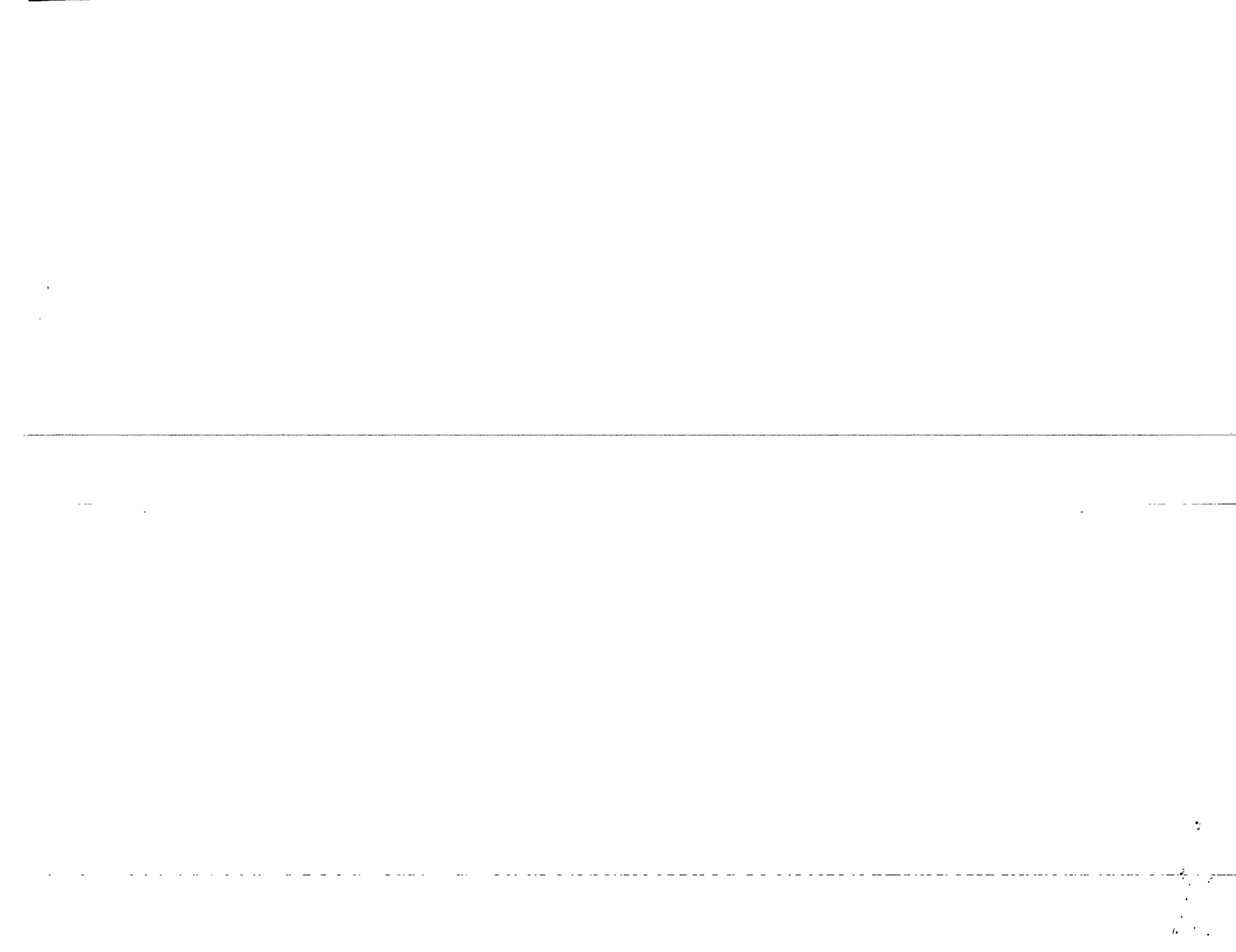
A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction \_\_\_\_\_.

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Pamela J. Kahler, Senior Legislative Attorney  
Telephone: (608) 266-2682





1999 BILL

SOON  
(3-24)

see p. 4

Reger

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2 (2) (g), 185.981 (4t) and 185.983 (1) (intro.); and *to create* 609.87 and 632.895  
3 (14) of the statutes; **relating to:** health insurance coverage of smoking  
4 cessation treatment and medications.

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*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.



**BILL**

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

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4 632.747, 632.748, 632.85, 632.853, 632.855, 632.87 (3) to (5), 632.895 (5m) and (8) to  
5 ~~(13)~~ (14) and 632.896.

6           **SECTION 2.** 40.51 (8m) of the statutes is amended to read:

7           40.51 (8m) Every health care coverage plan offered by the group insurance  
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14 632.853, 632.855, 632.87 (4) and (5), 632.895 (9) and (11) to ~~(13)~~ (14) and 632.896.

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17 village provides health care benefits under its home rule power, or if a town provides  
18 health care benefits, to its officers and employes on a self-insured basis, the  
19 self-insured plan shall comply with ss. 49.493 (3) (d), 631.89, 631.90, 631.93 (2),  
20 632.746 (10) (a) 2. and (b) 2., 632.747 (3), 632.85, 632.853, 632.855, 632.87 (4) and (5),

**BILL**

1 632.895 (9) to ~~(13)~~ (14), 632.896, 767.25 (4m) (d), 767.51 (3m) (d) and 767.62 (4) (b)  
2 4.

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

4 111.91 (2) (n) The provision to employes of the health insurance coverage  
5 required under s. 632.895 (11) to ~~(13)~~ (14).

6 **SECTION 6.** 120.13 (2) (g) of the statutes is amended to read:

7 120.13 (2) (g) Every self-insured plan under par. (b) shall comply with ss.  
8 49.493 (3) (d), 631.89, 631.90, 631.93 (2), 632.746 (10) (a) 2. and (b) 2., 632.747 (3),  
9 632.85, 632.853, 632.855, 632.87 (4) and (5), 632.895 (9) to ~~(13)~~ (14), 632.896, 767.25  
10 (4m) (d), 767.51 (3m) (d) and 767.62 (4) (b) 4.

11 **SECTION 7.** 185.981 (4t) of the statutes is amended to read:

12 185.981 (4t) A sickness care plan operated by a cooperative association is  
13 subject to ss. 252.14, 631.89, 632.72 (2), 632.745 to 632.749, 632.85, 632.853, 632.855,  
14 632.87 (2m), (3), (4) and (5), 632.895 (10) to ~~(13)~~ (14) and 632.897 (10) and chs. 149  
15 and 155.

16 **SECTION 8.** 185.983 (1) (intro.) of the statutes is amended to read:

17 185.983 (1) (intro.) Every such voluntary nonprofit sickness care plan shall be  
18 exempt from chs. 600 to 646, with the exception of ss. 601.04, 601.13, 601.31, 601.41,  
19 601.42, 601.43, 601.44, 601.45, 611.67, 619.04, 628.34 (10), 631.89, 631.93, 632.72  
20 (2), 632.745 to 632.749, 632.775, 632.79, 632.795, 632.85, 632.853, 632.855, 632.87  
21 (2m), (3), (4) and (5), 632.895 (5) and (9) to ~~(13)~~ (14), 632.896 and 632.897 (10) and  
22 chs. 609, 630, 635, 645 and 646, but the sponsoring association shall:

23 **SECTION 9.** 609.87 of the statutes is created to read:

24 **609.87 Coverage of smoking cessation treatment.** Managed care plans  
25 and preferred provider plans are subject to s. 632.895 (14).

**BILL**

1           **SECTION 10.** 632.895 (14) of the statutes is created to read:

2           **632.895 (14) SMOKING CESSATION TREATMENT AND MEDICATION.** (a) In this  
3 subsection, "self-insured health plan" means a self-insured health plan of the state  
4 or a county, city, village, town or school district.

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

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

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

16           1. Nicotine gum.

17           2. Nicotine patch.

18           3. Nicotine nasal spray.

19           4. Nicotine inhaler.

20           5. Zyban

*or its generic equivalent*

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

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

**BILL**

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

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

4 **SECTION 11. Initial applicability.**

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

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

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

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

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

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

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

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

21 **SECTION 12. Effective date.**

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

24 (END)

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