

1999 DRAFTING REQUEST

Bill

Received: **03/23/99**

Received By: **kahlepj**

Wanted: **As time permits**

Identical to LRB:

For: **Judy Robson (608) 266-2253**

By/Representing: **Cory Mason**

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 insurance coverage of 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>
/?	kahlepj 03/23/99	jgeller 03/24/99		_____			S&L
/1			jfrantze 03/30/99	_____	lrb_docadmin 03/30/99	lrb_docadmin 04/5/99	

FE Sent For:

G 04-14-99

<END>

1999 DRAFTING REQUEST

Bill

Received: **03/23/99**

Received By: **kahlepj**

Wanted: **As time permits**

Identical to LRB:

For: **Judy Robson (608) 266-2253**

By/Representing: **Cory Mason**

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 insurance coverage of 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>
/?	kahlepj 03/23/99	jgeller 03/24/99		_____			S&L
/1			jfrantze 03/30/99	_____	lrb_docadmin 03/30/99		

FE Sent For:

<END>

1999 DRAFTING REQUEST

Bill

Received: 03/23/99

Received By: kahlepj

Wanted: As time permits

Identical to LRB:

For: Judy Robson (608) 266-2253

By/Representing: Cory Mason

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 insurance coverage of 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>
1/?	kahlepj	1 3/24 jlg	3/29	3/30			

FE Sent For:

<END>

3-23

Cory Mason
Sen. Robson

draft companion to 99-0857

re. smoking cessation



State of Wisconsin
1999 - 2000 LEGISLATURE

2591/1
LRB-085711
PJK:wj&jlg km
stays

1999 BILL

Regen

- 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 609.87 and 632.895
3 (14) of the statutes; relating to: health insurance coverage of smoking
4 cessation 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.

BILL

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 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)~~ (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
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)~~ (14).

10 **SECTION 3.** 60.23 (25) 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)~~ (14) and 632.896.

15 **SECTION 4.** 66.184 of the statutes is amended to read:

16 **66.184 Self-insured health plans.** If a city, including a 1st 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),

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 employees 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 employees 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)

**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: 3/30/99

To: Senator Robson

Relating to LRB drafting number: LRB-2591

Topic

Require insurance coverage of smoking cessation treatment

Subject(s)

Insurance - health

1. **JACKET** the draft for introduction John B. Robson
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 John B. Robson.

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