

2001 DRAFTING REQUEST

Bill

Received: **12/05/2000**

Received By: **kahlepj**

Wanted: **As time permits**

Identical to LRB:

For: **Terese Berceau (608) 266-3784**

By/Representing: **herself**

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 insurance coverage of contraceptive services and articles

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 12/05/2000	hhagen 12/06/2000		_____			S&L
/1			martykr 12/07/2000	_____	lrb_docadmin 12/07/2000		S&L
/2	kahlepj 01/15/2001	jdye 01/16/2001	pgreensl 01/29/2001	_____	lrb_docadmin 01/29/2001	lrb_docadmin 02/15/2001	

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<END>

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1/29
pg

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1/?	kahlepj	11 hml 12/6/00	<i>[Signature]</i> 12/7	<i>[Signature]</i> 12/7			

FE Sent For:

<END>

12-5-00

Terese Bureau

draft companion (for Assembly)

to LRB-1076 (ins. coverage

of contraceptive services

and articles)

99 SB182

w/ SAI to SB182

specify ~~define~~ that "contraceptive" may not be
obtained w/o a prescription



State of Wisconsin
2001 - 2002 LEGISLATURE

1334/1
LRB-10702
PJK:brat:pg
hmk

2001 BILL

No changes - companion bill

Regenerate

1 AN ACT *to amend* 40.51 (8), 40.51 (8m), 60.23 (25), 66.0137 (4), 111.91 (2) (n),
2 120.13 (2) (g), 185.981 (4t) and 185.983 (1) (intro.); and *to create* 609.73 and
3 632.895 (15) of the statutes; **relating to:** requiring health insurance policies to
4 cover 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 managed care plans and health care plans offered by 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), that is prescribed by a licensed health care provider for use to prevent a pregnancy, and that may not be obtained without such a prescription; and any hormonal compound that is taken orally and that is 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 the 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, limited service health care plans, medicare replacement and supplement policies, and long-term care insurance policies. Deductibles and

BILL

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 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), 631.95, 632.72 (2), 632.746 (1) to (8)
4 and (10), 632.747, 632.748, 632.83, 632.835, 632.85, 632.853, 632.855, 632.87 (3) to
5 (5), 632.895 (5m) and (8) to ~~(14)~~ (15), 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. 631.95, 632.746 (1) to (8) and (10), 632.747,
9 632.748, 632.83, 632.835, 632.85, 632.853, 632.855, and 632.895 (11) to ~~(14)~~ (15).

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 employees 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 ~~(14)~~ (15), and 632.896.

15 **SECTION 4.** 66.0137 (4) of the statutes is amended to read:

16 66.0137 (4) SELF-INSURED HEALTH PLANS. If a city, including a 1st class city, or
17 a village provides health care benefits under its home rule power, or if a town
18 provides health care benefits, to its officers and employees on a self-insured basis,
19 the self-insured plan shall comply with ss. 49.493 (3) (d), 631.89, 631.90, 631.93 (2),

BILL

1 632.746 (10) (a) 2. and (b) 2., 632.747 (3), 632.85, 632.853, 632.855, 632.87 (4) and (5),
2 632.895 (9) to ~~(14)~~ (15), 632.896, and 767.25 (4m) (d).

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

4 111.91 (2) (n) The provision to employees of the health insurance coverage
5 required under s. 632.895 (11) to ~~(14)~~ (15).

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 ~~(14)~~ (15), 632.896, and
10 767.25 (4m) (d).

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, 631.17, 631.89, 631.95, 632.72 (2), 632.745 to 632.749, 632.85,
14 632.853, 632.855, 632.87 (2m), (3), (4), and (5), 632.895 (10) to ~~(14)~~ (15), and 632.897
15 (10) and chs. 149 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), 631.17, 631.89, 631.93,
20 631.95, 632.72 (2), 632.745 to 632.749, 632.775, 632.79, 632.795, 632.85, 632.853,
21 632.855, 632.87 (2m), (3), (4), and (5), 632.895 (5) and (9) to ~~(14)~~ (15), 632.896, and
22 632.897 (10) and chs. 609, 630, 635, 645, and 646, but the sponsoring association
23 shall:

24 **SECTION 9.** 609.73 of the statutes is created to read:

BILL

1 **609.73 Coverage of contraceptive articles and services.** Managed care
2 plans are subject to s. 632.895 (15).

3 **SECTION 10.** 632.895 (15) of the statutes is created to read:

4 **632.895 (15) CONTRACEPTIVE ARTICLES AND SERVICES.** (a) In this subsection:

5 1. “Contraceptive article” means any of the following:

6 a. A drug, medicine, mixture, preparation, instrument, article, or device of any
7 nature that is approved by the federal food and drug administration for use to
8 prevent a pregnancy, that is prescribed by a licensed health care provider for use to
9 prevent a pregnancy, and that may not be obtained without a prescription from a
10 licensed health care provider. “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. A hormonal compound that is taken orally and that is approved by the federal
15 food and drug administration for use to prevent a pregnancy.

16 2. “Religious employer” means an entity that satisfies all of the following
17 criteria:

18 a. The inculcation of religious values is the purpose of the entity.

19 b. The entity employs primarily persons who share the religious tenets of the
20 entity.

21 c. The entity serves primarily persons who share the religious tenets of the
22 entity.

23 d. The entity is exempt from filing a federal annual information return under
24 section 6033 (a) (2) (A) (i) and (iii) and (C) (i) of the Internal Revenue Code.

BILL

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

4 1. Contraceptive articles.

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

7 3. Medical procedures performed to prevent a pregnancy.

8 (c) Coverage under this subsection may be subject to exclusions or limitations,
9 including copayments and deductibles, that apply generally to the benefits that are
10 provided under the policy or self-insured health plan.

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

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

13 2. A health care plan offered by a limited service health organization, as defined
14 in s. 609.01 (3), or by a preferred provider plan, as defined in s. 609.01 (4), that is not
15 a managed care plan, as defined in s. 609.01 (3c).

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

18 4. A disability insurance policy that is issued to a religious employer, if the
19 religious employer requests that the insurer issuing the policy not provide the
20 coverage specified in par. (b) on the basis that the articles and services covered are
21 contrary to the religious employer's religious tenets. A religious employer that
22 makes a request under this subdivision shall provide written notice to a prospective
23 insured under the policy, prior to that person's coverage under the policy, that
24 specifies the articles and services under par. (b) that will not be covered on the basis
25 of the employer's request.

BILL**SECTION 11. Initial applicability.**

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

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

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

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

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

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

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

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

SECTION 12. Effective date.

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

(END)

1-12

Kelly Bahlitzel (Sen. Moore)

redraft 1334 (companion
to 1076)

w/ 3rd suggestion (any of the

following) from e-mail

of 12-14

Kahler, Pam

From: Bablitch, Kelly
Sent: Friday, January 12, 2001 3:42 PM
To: Kahler, Pam
Subject: RE: Coverage of contraceptives

-----Original Message-----

From: Kahler, Pam
Sent: Thursday, December 14, 2000 2:13 PM
To: Bablitch, Kelly
Subject: Coverage of contraceptives

Kelly:

After reading all of the materials you e-mailed me, it seems to me that it is reasonable to limit the coverage requirement in your bill to policies or plans that cover any of the following:

1. Outpatient services, as the bill currently reads, because prescription contraceptives are prescribed and sometimes administered in outpatient services. Also, the bill covers the services as well as the contraceptives.
2. Preventive treatments and services for other medical conditions, because contraceptives are preventive.
3. Prescription drugs and devices, because the contraceptives must be prescribed. (Is the hormonal compound that is taken orally, etc., also prescribed?)

So, you could leave the bill as it is, choose a different option from above, or even use the "any of the following" language with all three possibilities, covering potentially the most plans, although I think that most plans that cover at least one of the above probably cover all three. Perhaps one of the options would make more sense than the others politically, in terms of getting your bill passed. Let me know what you think.

Pam

++++
Pamela J. Kahler
Legislative Attorney
Legislative Reference Bureau
(608) 266-2682



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-1334/2

PJK:hmk:kar

*miss run
hmk + jld*

2001 BILL

D-note

Regen

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2 120.13 (2) (g), 185.981 (4t) and 185.983 (1) (intro.); and to create 609.73 and
3 632.895 (15) of the statutes; relating to: requiring health insurance policies to
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11 60.23 (25) **SELF-INSURED HEALTH PLANS.** Provide health care benefits to its
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BILL

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14 632.853, 632.855, 632.87 (2m), (3), (4), and (5), 632.895 (10) to ~~(14)~~ (15), and 632.897
15 (10) and chs. 149 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
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19 601.42, 601.43, 601.44, 601.45, 611.67, 619.04, 628.34 (10), 631.17, 631.89, 631.93,
20 631.95, 632.72 (2), 632.745 to 632.749, 632.775, 632.79, 632.795, 632.85, 632.853,
21 632.855, 632.87 (2m), (3), (4), and (5), 632.895 (5) and (9) to ~~(14)~~ (15), 632.896, and
22 632.897 (10) and chs. 609, 630, 635, 645, and 646, but the sponsoring association
23 shall:

24 **SECTION 9.** 609.73 of the statutes is created to read:

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1 **609.73 Coverage of contraceptive articles and services.** Managed care
2 plans are subject to s. 632.895 (15).

3 **SECTION 10.** 632.895 (15) of the statutes is created to read:

4 **632.895 (15) CONTRACEPTIVE ARTICLES AND SERVICES.** (a) In this subsection:

5 1. “Contraceptive article” means any of the following:

6 a. A drug, medicine, mixture, preparation, instrument, article, or device of any
7 nature that is approved by the federal food and drug administration for use to
8 prevent a pregnancy, that is prescribed by a licensed health care provider for use to
9 prevent a pregnancy, and that may not be obtained without a prescription from a
10 licensed health care provider. “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. A hormonal compound that is taken orally and that is approved by the federal
15 food and drug administration for use to prevent a pregnancy.

16 2. “Religious employer” means an entity that satisfies all of the following
17 criteria:

18 a. The inculcation of religious values is the purpose of the entity.

19 b. The entity employs primarily persons who share the religious tenets of the
20 entity.

21 c. The entity serves primarily persons who share the religious tenets of the
22 entity.

23 d. The entity is exempt from filing a federal annual information return under
24 section 6033 (a) (2) (A) (i) and (iii) and (C) (i) of the Internal Revenue Code.

BILL

Insert 5-3

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

- 4 1. Contraceptive articles.
- 5 2. Medical services, including counseling and physical examinations, for the
- 6 prescription or use of a contraceptive article or of a procedure to prevent a pregnancy.
- 7 3. Medical procedures performed to prevent a pregnancy.

8 (c) Coverage under this subsection may be subject to exclusions or limitations,
9 including copayments and deductibles, that apply generally to the benefits that are
10 provided under the policy or self-insured health plan.

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

- 12 1. A disability insurance policy that covers only certain specified diseases.
- 13 2. A health care plan offered by a limited service health organization, as defined
- 14 in s. 609.01 (3), or by a preferred provider plan, as defined in s. 609.01 (4), that is not
- 15 a managed care plan, as defined in s. 609.01 (3c).
- 16 3. A medicare replacement policy, a medicare supplement policy, or a long-term
- 17 care insurance policy.

18 4. A disability insurance policy that is issued to a religious employer, if the
19 religious employer requests that the insurer issuing the policy not provide the

20 coverage specified in par. (b) on the basis that the articles and services covered are
21 contrary to the religious employer's religious tenets. A religious employer that
22 makes a request under this subdivision shall provide written notice to a prospective

23 insured under the policy, prior to that person's coverage under the policy, that
24 specifies the articles and services under par. (b) that will not be covered on the basis
25 of the employer's request.

✓ 1. to 3.

1. to 3.

**2001-2002 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1334/2ins
PJK:hmh:km

INSERT 5-3

1 , preventive treatments and services, or prescription drugs and devices ✓

(END OF INSERT 5-3)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1334/2dn

PJK:mas:km
jld

This redraft makes the coverage requirement apply to plans and policies that cover outpatient health care services, preventive treatments and services, or prescription drugs and devices.

Pamela J. Kahler
Senior Legislative Attorney
Phone: (608) 266-2682
E-mail: pam.kahler@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1334/2dn
PJK:jld:pg

January 29, 2001

This redraft makes the coverage requirement apply to plans and policies that cover outpatient health care services, preventive treatments and services, or prescription drugs and devices.

Pamela J. Kahler
Senior Legislative Attorney
Phone: (608) 266-2682
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STEPHEN R. MILLER
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January 29, 2001

MEMORANDUM

To: Representative Berceau

From: Pamela J. Kahler, Senior Legislative Attorney

Re: LRB-1334 Require health insurance coverage of contraceptive services and articles

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

JACKET FOR ASSEMBLY JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 266-2682 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.