

2001 DRAFTING REQUEST

Bill

Received: **09/11/2000**

Received By: **kahlepj**

Wanted: **As time permits**

Identical to LRB:

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

By/Representing: **his office**

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

Drafter: **kahlepj**

May Contact:

Addl. Drafters:

Subject: **Insurance - health**

Extra Copies:

Submit via email: **NO**

Pre Topic:

No specific pre topic given

Topic:

Require health 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 09/11/2000	jdye 09/12/2000		_____			S&L
/1			martykr 09/13/2000	_____	lrb_docadmin 09/13/2000	lrb_docadmin 11/13/2001	

FE Sent For:

At Intro.

<END>

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/1			martykr 09/13/2000	_____	lrb_docadmin 09/13/2000		

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Alt. Drafters:

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Extra Copies:

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1?	kahlepj	1 9/12 jld	km ⁹ ₁₂	km km	13		

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: September 7, 2000

RE: Redrafts of 1999 Assembly Bills for the upcoming 2001-2002 legislative session.

Please redraft the following 1999 Assembly Bills/Resolutions (as is) for the upcoming session:

Please redraft the following 1999 Assembly Bills with simple modifications as listed below:

PJK AB 264: Redraft bill to include Senate Amendment 1 to 1999 Senate Bill 115 and Senate Amendment 2 to 1999 Senate Bill 115

LPS-check auto
refs

1999 ASSEMBLY BILL 264

D-note

April 9, 1999 - Introduced by Representatives BLACK, MUSSER, BOCK, TURNER, WILLIAMS, BOYLE, WASSERMAN and BERCEAU, cosponsored by Senators ROBSON, DARLING, RISSER and CLAUSING. Referred to Committee on Insurance.

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

managed care plans and

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.

1

ASSEMBLY BILL 264

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:

Insert 2-1

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),

66.0133(4)

ASSEMBLY BILL 264

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).

15

ASSEMBLY BILL 264

SECTION 10

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 ~~the course of treatment specified in subd. 1 more than one time in a year~~

Insert 4-12

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:

Insert 4-15

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:

ASSEMBLY BILL 264

Insert 5-2

1. A ~~health care plan~~ limited service health organization, as defined in s. 609.01 (3). ✓

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

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. a.s. → a.s. →

(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. e →

(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: e →

- 1. The day on which the collective bargaining agreement expires.
- 2. The day on which the collective bargaining agreement is extended, modified or renewed. e →

SECTION 12. Effective date.

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

(END)

D-note

2001-2002 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0231/?ins
PJK.....

INSERT 2-1

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 ~~NOTE: NOTE: NOTE: Sub. (8) is shown as affected by three acts of the 1999 legislature and as merged by the revisor under s. 13.93 (2) (c). NOTE.~~
~~History: 1981 c. 96; 1983 a. 27; 1985 a. 29; 1987 a. 27, 167, 356; 1987 a. 403 s. 256; 1989 a. 31, 93, 121, 129, 182, 201, 336, 359; 1991 a. 39, 70, 113, 152, 269, 315, 1993~~
~~a. 450, 481; 1995 a. 289; 1997 a. 27, 155, 202, 237, 252; 1999 a. 34, 95, 115, 155; s. 13.93 (2) (c).~~

7 SECTION 2. 40.51 (8m) of the statutes 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. 631.95, 632.746 (1) to (8) and (10), 632.747,
10 632.748, 632.83, 632.835, 632.85, 632.853, 632.855 and 632.895 (11) to ~~(14)~~ (15).

11 ~~NOTE: NOTE: NOTE: Sub. (8m) is shown as affected by three acts of the 1999 legislature and as merged by the revisor under s. 13.93 (2) (c). NOTE.~~
~~History: 1981 c. 96; 1985 a. 27; 1985 a. 29; 1987 a. 27, 107, 356; 1987 a. 403 s. 256; 1989 a. 31, 93, 121, 129, 182, 201, 336, 359; 1991 a. 39, 70, 113, 152, 269, 315, 1993~~
~~a. 450, 481; 1995 a. 289; 1997 a. 27, 155, 202, 237, 252; 1999 a. 34, 95, 115, 155; s. 13.93 (2) (c).~~

12 SECTION 3. 60.23 (25) of the statutes is amended to read:

13 60.23 (25) SELF-INSURED HEALTH PLANS. Provide health care benefits to its
14 officers and employees 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), 632.85,
16 632.853, 632.855, 632.87 (4) and (5), 632.895 (9) and (11) to ~~(14)~~ (15) and 632.896.

~~History: 1983 a. 532; 1985 a. 316 s. 25; 1987 a. 205; 1989 a. 121, 197, 276, 359; 1991 a. 28, 296; 1993 a. 105, 246, 456; 1995 a. 27 ss. 3300m, 9116 (5); 1995 a. 77, 201,~~
~~289, 448; 1997 a. 27, 111, 155, 237; 1999 a. 115; 1999 a. 150 ss. 3, 672.~~

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

18 66.0137 (4) SELF-INSURED HEALTH PLANS. If a city, including a 1st class city, or
19 a village provides health care benefits under its home rule power, or if a town
20 provides health care benefits, to its officers and employees on a self-insured basis,
21 the self-insured plan shall comply with ss. 49.493 (3) (d), 631.89, 631.90, 631.93 (2),
22 632.746 (10) (a) 2. and (b) 2., 632.747 (3), 632.85, 632.853, 632.855, 632.87 (4) and (5),
23 632.895 (9) to ~~(14)~~ (15), 632.896 and 767.25 (4m) (d).

History: 1999 a. 9, 115; 1999 a. 150 ss. 34, 303 to 306; Stats. 1999 s. 66.0137; 1999 a. 186 s. 63.



Ins. 2-1 contd

1 **SECTION 5.** 111.91 (2) (n) of the statutes is amended to read:
 2 111.91 (2) (n) The provision to employees of the health insurance coverage
 3 required under s. 632.895 (11) to ~~(14)~~ (15).

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; 1999 a. 9, 95, 115, 155.

4 **SECTION 6.** 120.13 (2) (g) of the statutes is amended to read:
 5 120.13 (2) (g) Every self-insured plan under par. (b) shall comply with ss.
 6 49.493 (3) (d), 631.89, 631.90, 631.93 (2), 632.746 (10) (a) 2. and (b) 2., 632.747 (3),
 7 632.85, 632.853, 632.855, 632.87 (4) and (5), 632.895 (9) to ~~(14)~~ (15), 632.896 and
 8 767.25 (4m) (d).

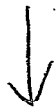
History: 1973 c. 94, 290; 1975 c. 115, 321; 1977 c. 206, 211, 418, 429; 1979 c. 20, 202, 221, 301, 355; 1981 c. 96, 314, 335; 1983 a. 27, 193, 207, 339, 370, 518, 538; 1985 a. 29 ss. 1725e to 1726m, 1731; 1985 a. 101, 135, 211; 1985 a. 218 ss. 12, 13, 22; 1985 a. 332; 1987 a. 88, 187; 1989 a. 31, 201, 336, 359; 1991 a. 39, 226, 269; 1993 a. 16, 27, 284, 334, 399, 450, 481, 491; 1995 a. 27 ss. 4024, 9126 (19), 9145 (1); 1995 a. 29, 32, 33, 65, 75, 225, 235, 289, 439; 1997 a. 27, 155, 164, 191, 237, 335; 1999 a. 9, 19, 73, 83, 115, 128; 1999 a. 150 s. 672; 1999 a. 186.

9 **SECTION 7.** 185.981 (4t) of the statutes is amended to read:
 10 185.981 (4t) A sickness care plan operated by a cooperative association is
 11 subject to ss. 252.14, 631.17, 631.89, 631.95, 632.72 (2), 632.745 to 632.749, 632.85,
 12 632.853, 632.855, 632.87 (2m), (3), (4) and (5), 632.895 (10) to ~~(14)~~ (15) and 632.897
 13 (10) and chs. 149 and 155.

~~NOTE: NOTE: Sub. (4t) is shown as affected by two acts of the 1999 legislature and as merged by the revisor under s. 13.93 (2) (c). NOTE.~~

History: 1971 c. 40 s. 93; 1971 c. 307 s. 118; 1975 c. 98; 1975 c. 223 s. 28; 1975 c. 224 s. 146; 1975 c. 421; 1981 c. 39 s. 22; 1981 c. 205; 1981 c. 391 s. 210; 1985 a. 29; 1985 a. 30 s. 42; 1987 a. 27 ss. 1917e, 3202 (47) (a); 1987 a. 312 s. 17; 1989 a. 121, 129, 200, 201, 336; 1991 a. 39, 123, 269; 1993 a. 27, 450, 481; 1995 a. 27, 118, 289; 1997 a. 27, 155, 237; 1999 a. 95, 115; s. 13.93 (2) (c).

14 **SECTION 8.** 185.983 (1) (intro.) of the statutes is amended to read:
 15 185.983 (1) (intro.) Every such voluntary nonprofit sickness care plan shall be
 16 exempt from chs. 600 to 646, with the exception of ss. 601.04, 601.13, 601.31, 601.41,
 17 601.42, 601.43, 601.44, 601.45, 611.67, 619.04, 628.34 (10), 631.17, 631.89, 631.93,
 18 631.95, 632.72 (2), 632.745 to 632.749, 632.775, 632.79, 632.795, 632.85, 632.853,
 19 632.855, 632.87 (2m), (3), (4) and (5), 632.895 (5) and (9) to ~~(14)~~ (15), 632.896 and
 20 632.897 (10) and chs. 609, 630, 635, 645 and 646, but the sponsoring association
 21 shall:



1 NOTE: NOTE: NOTE: Sub. (1)(intro.) is shown as affected by two acts of the 1999 legislature and as merged by the revisor under s. 13.93 (2) (c). NOTE:
 History: 1975 c. 98; 1975 c. 224 s. 146; 1975 c. 352; 1975 c. 422 s. 163; 1977 c. 339; 1979 c. 89; 1981 c. 20; 1981 c. 39 s. 22; 1981 c. 82; 1981 c. 391 s. 210; 1983 a. 189
 s. 329 (25); 1983 a. 396; 1985 a. 29 ss. 2060d to 2060r, 3202 (30); 1987 a. 27, 325; 1989 a. 23, 31, 129, 200, 201, 336, 359; 1991 a. 39, 189, 250, 269, 315; 1993 a. 450, 481,
 482; 1995 a. 289; 1997 a. 27, 155, 237; 1999 a. 95, 115; s. 13.93 (2) (c).

(END OF INSERT 2-1)

(INSERTS 4-12 AND 4-15 ARE ON NEXT PAGE) ⁷⁵

INSERT 5-2

- 2 2. A preferred provider plan, as defined in s. 609.01 (4), that is not a managed
- 3 care plan, as defined in s. 609.01 (3c).

(END OF INSERT 5-2)

**SENATE AMENDMENT 2,
TO 1999 SENATE BILL 115**

Insert 4-12

September 28, 1999 - Offered by COMMITTEE ON HUMAN SERVICES AND AGING.

1
2
3
4

At the locations indicated, amend the bill as follows:

1. Page 4, line 12: delete that line and substitute "cover smoking cessation treatment more than ~~three~~ times for any insured".

③

(END) *ins. 4-12*

**SENATE AMENDMENT 1,
TO 1999 SENATE BILL 115**

Insert 4-15

September 28, 1999 - Offered by COMMITTEE ON HUMAN SERVICES AND AGING.

1
2
3
4

~~At the locations indicated, amend the bill as follows.~~

~~1. Page 4, line 15; delete that line and substitute "if approved for use by the federal food and drug administration and if prescribed for smoking cessation."~~

(END of ins. 4-15)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0231/3dn

PJK.....

Jld

You may want to check to see if the federal department of health and human services has published more recent smoking cessation guidelines than Clinical Practice Guideline Number 18, Smoking Cessation, publication number 96-0692.

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-0231/1dn
PJK:jld:km

September 12, 2000

You may want to check to see if the federal department of health and human services has published more recent smoking cessation guidelines than Clinical Practice Guideline Number 18, Smoking Cessation, publication number 96-0692.

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

Barman, Mike

From: Barman, Mike
Sent: Tuesday, November 13, 2001 11:54 AM
To: Rep.Black
Subject: LRB-0231/1 (attached - requested by Susan)



01-0231/1



01-0231/1dn



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET
5TH FLOOR
MADISON, WI 53701-2037

STEPHEN R. MILLER
CHIEF

LEGAL SECTION: (608) 266-3561
LEGAL FAX: (608) 264-6948

September 13, 2000

MEMORANDUM

To: Representative Black

From: Pamela J. Kahler, Senior Legislative Attorney

Re: LRB-0231 Require health insurance coverage of smoking cessation treatment

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 request that it be prepared after the draft is introduced, please indicate on the attached draft before it is introduced by the Assembly or the Senate. Please note that if you have previously requested that the draft be prepared after the introduction of this draft, you will need to call our program assistants at 266-3561 to request a new version of the draft before it is introduced. The LRB will make a copy of the draft available on the internet. Please note that if you have previously requested that the draft be prepared after the introduction of this draft, you will need to call our program assistants at 266-3561 to request a new version of the draft before it is introduced.

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

*for Rep. Black
(Susan)
pls "deliver" an
electronic copy
of the bill, too.
Thanks!*

*Done
11-13-2001
gmb*