

2001 DRAFTING REQUEST

Senate Amendment (SA-SSA1-SB55)

Received: 06/15/2001

Received By: kahlepj

Wanted: Soon

Identical to LRB:

For: Senate Democratic Caucus

By/Representing: Keckhaver

This file may be shown to any legislator: NO

Drafter: kahlepj

May Contact:

Addl. Drafters:

Subject: Insurance - health

Extra Copies:

Submit via email: NO

Requester's email:

Pre Topic:

SDC:.....Keckhaver - CN5552,

Topic:

Requiring insurance coverage of contraceptive articles and services

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?	kahlepj	1 6/16 jld	6/16	6/16			

FE Sent For:

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Agency: Insurance

caucus number 5552

duplicate flag:
duplicate with:

Other reference numbers:	LFB Sum #:
bill number/amendment number: SB 128	
LRB draft #	LRB P-draft:

other notes

Description2:

drafting instructions:

more instructions:

Agency: **Insurance**

Number of Amendments: 1

PJK

2001

Date (time) needed _____

LRB b 1026 / 1

AMDT TO BUDGET SUB AMDT

PSK : jld: _____

See form AMENDMENTS — COMPONENTS & ITEMS.

SENATE AMENDMENT
TO ~~SENATE AMENDMENT~~,
TO SENATE SUBSTITUTE AMENDMENT 1,
TO 2001 SENATE BILL 55

At the locations indicated, amend the substitute amendment ~~(amendment)~~ as follows:

~~#. Page , line~~

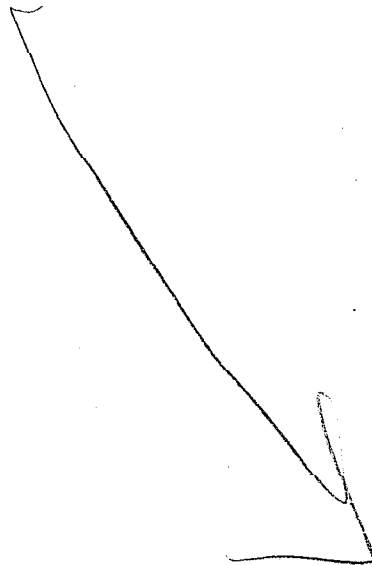
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SENATE BILL 128

supplement policies, and long-term care insurance policies. Deductibles and 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:

Page 534, Line 23: After that line insert:

1 "SECTION ~~4~~. 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 ~~4~~. 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),

Page 676, line 9: after that line insert:

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Page 913, line 2: after that line insert:

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

4 111.91 (2) (n) ^{2615c} The provision to employees of the health insurance coverage
5 required under s. 632.895 (11) to ~~(14)~~ (15). "

Page 924, line 22: after that line insert:

6 " SECTION 3. 120.13 (2) (g) of the statutes is amended to read:

7 120.13 (2) (g) ^{2760d} 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). "

Page 985, line 20: after that line insert:

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

12 185.981 (4t) ^{2936p} 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 5. 185.983 (1) (intro.) of the statutes is amended to read:

17 185.983 (1) (intro.) ^{2936t} 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 6. 609.73 of the statutes is created to read:

Page 1180, line 21: after that line insert:

SENATE BILL 128

Page 1181, line 12: after that line insert:

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) ^{3763c} 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.

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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, preventive treatments and services, or prescription drugs and devices
4 shall provide coverage for all of the following:

5 1. Contraceptive articles.

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

8 3. Medical procedures performed to prevent a pregnancy.

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

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

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

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

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

19 4. A disability insurance policy that is issued to a religious employer, if the
20 religious employer requests that the insurer issuing the policy not provide the
21 coverage specified in par. (b) 1. to 3. on the basis that the articles and services covered
22 are contrary to the religious employer's religious tenets. A religious employer that
23 makes a request under this subdivision shall provide written notice to a prospective
24 insured under the policy, prior to that person's coverage under the policy, that

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Page 1399, line 25: After that line insert:

1 specifies the articles and services under par. (b) 1. to 3. that will not be covered on
2 the basis of the employer's request. "

COVERAGES OF CONTRACEPTIVES, (CS)

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.

ec

(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. "

185.983 (1) (intro.) and 609.73 and 632.815 (15) of the statutes

USE 2 TIMES

SECTION 12. Effective date.

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

and SECTION 9327 (1)(m) of this act take

(CS) (END)

Page 1421, line 4: after that line insert:

SDC:.....Keckhaver – CN5552, Requiring insurance coverage of
contraceptive articles and services

FOR 2001–03 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS SENATE AMENDMENT

TO SENATE SUBSTITUTE AMENDMENT 1,

TO 2001 SENATE BILL 55

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 534, line 23: after that line insert:

3 “**SECTION 1398p.** 40.51 (8) of the statutes is amended to read:

4 40.51 (8) Every health care coverage plan offered by the state under sub. (6)
5 shall comply with ss. 631.89, 631.90, 631.93 (2), 631.95, 632.72 (2), 632.746 (1) to (8)
6 and (10), 632.747, 632.748, 632.83, 632.835, 632.85, 632.853, 632.855, 632.87 (3) to
7 (5), 632.895 (5m) and (8) to ~~(14)~~ (15), and 632.896.

8 **SECTION 1398q.** 40.51 (8m) of the statutes is amended to read:

1 40.51 **(8m)** Every health care coverage plan offered by the group insurance
2 board under sub. (7) shall comply with ss. 631.95, 632.746 (1) to (8) and (10), 632.747,
3 632.748, 632.83, 632.835, 632.85, 632.853, 632.855, and 632.895 (11) to ~~(14)~~ (15).”.

4 **2.** Page 676, line 9: after that line insert:

5 “**SECTION 2014mn.** 66.0137 (4) of the statutes is amended to read:

6 66.0137 **(4)** SELF-INSURED HEALTH PLANS. If a city, including a 1st class city, or
7 a village provides health care benefits under its home rule power, or if a town
8 provides health care benefits, to its officers and employees on a self-insured basis,
9 the self-insured plan shall comply with ss. 49.493 (3) (d), 631.89, 631.90, 631.93 (2),
10 632.746 (10) (a) 2. and (b) 2., 632.747 (3), 632.85, 632.853, 632.855, 632.87 (4) and (5),
11 632.895 (9) to ~~(14)~~ (15), 632.896, and 767.25 (4m) (d).”.

12 **3.** Page 913, line 2: after that line insert:

13 “**SECTION 2615c.** 111.91 (2) (n) of the statutes is amended to read:

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

16 **4.** Page 924, line 22: after that line insert:

17 “**SECTION 2760d.** 120.13 (2) (g) of the statutes is amended to read:

18 120.13 **(2)** (g) Every self-insured plan under par. (b) shall comply with ss.
19 49.493 (3) (d), 631.89, 631.90, 631.93 (2), 632.746 (10) (a) 2. and (b) 2., 632.747 (3),
20 632.85, 632.853, 632.855, 632.87 (4) and (5), 632.895 (9) to ~~(14)~~ (15), 632.896, and
21 767.25 (4m) (d).”.

22 **5.** Page 985, line 20: after that line insert:

23 “**SECTION 2936p.** 185.981 (4t) of the statutes is amended to read:

1 185.981 (4t) A sickness care plan operated by a cooperative association is
2 subject to ss. 252.14, 631.17, 631.89, 631.95, 632.72 (2), 632.745 to 632.749, 632.85,
3 632.853, 632.855, 632.87 (2m), (3), (4), and (5), 632.895 (10) to ~~(14)~~ (15), and 632.897
4 (10) and chs. 149 and 155.

5 **SECTION 2936t.** 185.983 (1) (intro.) of the statutes is amended to read:

6 185.983 (1) (intro.) Every such voluntary nonprofit sickness care plan shall be
7 exempt from chs. 600 to 646, with the exception of ss. 601.04, 601.13, 601.31, 601.41,
8 601.42, 601.43, 601.44, 601.45, 611.67, 619.04, 628.34 (10), 631.17, 631.89, 631.93,
9 631.95, 632.72 (2), 632.745 to 632.749, 632.775, 632.79, 632.795, 632.85, 632.853,
10 632.855, 632.87 (2m), (3), (4), and (5), 632.895 (5) and (9) to ~~(14)~~ (15), 632.896, and
11 632.897 (10) and chs. 609, 630, 635, 645, and 646, but the sponsoring association
12 shall.”.

13 **6.** Page 1180, line 21: after that line insert:

14 “**SECTION 3741n.** 609.73 of the statutes is created to read:

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

17 **7.** Page 1181, line 12: after that line insert:

18 “**SECTION 3763c.** 632.895 (15) of the statutes is created to read:

19 **632.895 (15) CONTRACEPTIVE ARTICLES AND SERVICES.** (a) In this subsection:

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

21 a. A drug, medicine, mixture, preparation, instrument, article, or device of any
22 nature that is approved by the federal food and drug administration for use to
23 prevent a pregnancy, that is prescribed by a licensed health care provider for use to
24 prevent a pregnancy, and that may not be obtained without a prescription from a

1 licensed health care provider. “Contraceptive article” does not include any drug,
2 medicine, mixture, preparation, instrument, article, or device of any nature
3 prescribed for use in terminating the pregnancy of a woman who is known by the
4 prescribing licensed health care provider to be pregnant.

5 b. A hormonal compound that is taken orally and that is approved by the federal
6 food and drug administration for use to prevent a pregnancy.

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

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

10 b. The entity employs primarily persons who share the religious tenets of the
11 entity.

12 c. The entity serves primarily persons who share the religious tenets of the
13 entity.

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

16 (b) Every disability insurance policy, and every self-insured health plan of a
17 county, city, village, or school district, that provides coverage of outpatient health
18 care services, preventive treatments and services, or prescription drugs and devices
19 shall provide coverage for all of the following:

20 1. Contraceptive articles.

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

23 3. Medical procedures performed to prevent a pregnancy.

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

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

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

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

9 3. A medicare replacement policy, a medicare supplement policy, or a long-term
10 care insurance policy.

11 4. A disability insurance policy that is issued to a religious employer, if the
12 religious employer requests that the insurer issuing the policy not provide the
13 coverage specified in par. (b) 1. to 3. on the basis that the articles and services covered
14 are contrary to the religious employer's religious tenets. A religious employer that
15 makes a request under this subdivision shall provide written notice to a prospective
16 insured under the policy, prior to that person's coverage under the policy, that
17 specifies the articles and services under par. (b) 1. to 3. that will not be covered on
18 the basis of the employer's request.”.

19 **8.** Page 1399, line 25: after that line insert:

20 “(1e) COVERAGE OF CONTRACEPTIVES. The treatment of sections 40.51 (8) and
21 (8m), 66.0137 (4), 111.91 (2) (n), 120.13 (2) (g), 185.981 (4t), 185.983 (1) (intro.),
22 609.73, and 632.895 (15) of the statutes first applies to all of the following:

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

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

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

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

10 (c) Self-insured health plans covering employees who are affected by a
11 collective bargaining agreement containing provisions inconsistent with this act
12 that are established, extended, modified, 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 **9.** Page 1421, line 4: after that line insert:

17 “(1e) COVERAGE OF CONTRACEPTIVES. The treatment of sections 40.51 (8) and
18 (8m), 66.0137 (4), 111.91 (2) (n), 120.13 (2) (g), 185.981 (4t), 185.983 (1) (intro.),
19 609.73, and 632.895 (15) of the statutes and SECTION 9327 (1e) of this act take effect
20 on the first day of the 6th month beginning after publication.”.

21 (END)