



## 2013 SENATE BILL 202

May 30, 2013 – Introduced by Senators GROTHMAN, LAZICH, SCHULTZ, KEDZIE and FARROW, cosponsored by Representatives JACQUE, SEVERSON, BIES, BORN, BROOKS, CRAIG, ENDSLEY, KLEEFISCH, T. LARSON, MURPHY, MURTHA, NASS, A. OTT, PRIDEMORE, RIPP, SANFELIPPO, SCHRAA, STONE, STROEBEL, THIESFELDT and TITTL. Referred to Committee on Health and Human Services.

1     **AN ACT** *to renumber* 40.02 (1); *to amend* 40.03 (6) (a), 40.03 (6) (b) and 632.895  
2           (17) (b) (intro.); and *to create* 40.02 (1d), 40.03 (6) (k), 40.56 and 632.895 (17)  
3           (e) of the statutes; **relating to:** prohibiting the group insurance board from  
4           contracting for or providing abortion services and exempting religious  
5           employers, religious organizations, and religious institutions of higher  
6           education from contraceptive insurance coverage.

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### *Analysis by the Legislative Reference Bureau*

Under current law, the Group Insurance Board (GIB) enters into health insurance contracts and provides a health insurance plan on a self-insured basis for eligible employees under the Wisconsin Retirement System, which include all state employees and state annuitants and may include local government employees if the local governmental unit elects to participate in a GIB health insurance plan. Among the health care procedures that are currently covered under the health insurance contracts and the state self-insured health care plan are abortion services. This bill prohibits GIB from entering into any contract with respect to a group health insurance plan or providing a group health insurance plan on a self-insured basis that provides abortion services, with certain exceptions.

Under current law, disability insurance policies, also known as health insurance policies, and self-insured governmental and school district health plans must cover the cost of contraceptives prescribed by a health care provider and of

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services that are necessary to prescribe, administer, maintain, or remove the contraceptive. Contraceptives are drugs or devices approved by the federal Food and Drug Administration to prevent pregnancy. This bill exempts from the coverage of contraceptives and related services an insurer that issues a group health insurance plan to a religious employer, religious organization, or religious institution of higher education, if that employer, organization, or institution meets the criteria specified in the bill.

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1           **SECTION 1.** 40.02 (1) of the statutes is renumbered 40.02 (1m).

2           **SECTION 2.** 40.02 (1d) of the statutes is created to read:

3           40.02 (1d) “Abortion” has the meaning given in s. 253.10 (2) (a).

4           **SECTION 3.** 40.03 (6) (a) of the statutes is amended to read:

5           40.03 (6) (a) 1. ~~Shall~~ Except as provided in par. (k), shall, on behalf of the state,  
6           enter into a contract or contracts with one or more insurers authorized to transact  
7           insurance business in this state for the purpose of providing the group insurance  
8           plans provided for by this chapter; or

9           2. ~~May~~ Except as provided in par. (k), may, wholly or partially in lieu of subd.  
10          1., on behalf of the state, provide any group insurance plan on a self-insured basis  
11          in which case the group insurance board shall approve a written description setting  
12          forth the terms and conditions of the plan, and may contract directly with providers  
13          of hospital, medical or ancillary services to provide insured employees with the  
14          benefits provided under this chapter.

15          **SECTION 4.** 40.03 (6) (b) of the statutes is amended to read:

16          40.03 (6) (b) ~~May~~ Except as provided in par. (k), may provide other group  
17          insurance plans for employees and their dependents and for annuitants and their  
18          dependents in addition to the group insurance plans specifically provided under this

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1 chapter. The terms of the group insurance under this paragraph shall be determined  
2 by contract, and shall provide that the employer is not liable for any obligations  
3 accruing from the operation of any group insurance plan under this paragraph  
4 except as agreed to by the employer.

5 **SECTION 5.** 40.03 (6) (k) of the statutes is created to read:

6 40.03 (6) (k) May not enter into, extend, modify, or renew any contract for a  
7 group insurance plan or provide a group insurance plan or other benefit on a  
8 self-insured basis that provides coverage or services for an abortion, the  
9 performance of which is ineligible for funding under s. 20.927.

10 **SECTION 6.** 40.56 of the statutes is created to read:

11 **40.56 Abortion coverage prohibited.** No abortion coverage or services, the  
12 performance of which is ineligible for funding under s. 20.927, may be provided in  
13 a health insurance plan or health care coverage plan offered under this subchapter.

14 **SECTION 7.** 632.895 (17) (b) (intro.) of the statutes is amended to read:

15 632.895 (17) (b) (intro.) Every Except as provided in par. (e), every disability  
16 insurance policy, and every self-insured health plan of the state or of a county, city,  
17 town, village, or school district, that provides coverage of outpatient health care  
18 services, preventive treatments and services, or prescription drugs and devices shall  
19 provide coverage for all of the following:

20 **SECTION 8.** 632.895 (17) (e) of the statutes is created to read:

21 632.895 (17) (e) An insurer that issues a group disability insurance policy to  
22 any of the following is not required to provide the coverage under par. (b) under that  
23 policy:

24 1. A religious employer that is organized and operates as a nonprofit entity as  
25 described in 26 USC 6033 (a) (3) (A) (i) or (iii).

