



State of Wisconsin  
2021 - 2022 LEGISLATURE

LRB-3586/1  
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## 2021 ASSEMBLY BILL 699

November 12, 2021 - Introduced by Representatives STUBBS, HONG, CABRERA, BALDEH, ANDERSON, ANDRACA, BOWEN, BROSTOFF, CONLEY, CONSIDINE, EMERSON, HAYWOOD, HEBL, HESSELBEIN, B. MEYERS, NEUBAUER, OHNSTAD, POPE, SHANKLAND, SHELTON, SINICKI, SNODGRASS, SPREITZER, SUBECK, VINING and VRUWINK, cosponsored by Senators JOHNSON, L. TAYLOR, AGARD, ROYS, BEWLEY, ERPENBACH, LARSON, SMITH, WIRCH and CARPENTER. Referred to Committee on Insurance.

1 **AN ACT to amend** 40.51 (8), 40.51 (8m), 66.0137 (4), 120.13 (2) (g) and 185.983  
2 (1) (intro.); and **to create** 609.40 and 632.7498 of the statutes; **relating to:**  
3 special enrollment period for pregnancy.

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***Analysis by the Legislative Reference Bureau***

This bill requires health insurance plans and self-insured governmental health plans to allow a pregnant individual who is eligible for coverage under the plan, and any individual who is eligible for coverage because of a relationship to the pregnant individual, to enroll in the plan at any time during the pregnancy. Under the bill, the coverage must begin no later than the first day of the first calendar month in which the pregnant individual receives medical verification of the pregnancy, except that the pregnant individual may direct coverage to begin on the first day of any month occurring during the pregnancy. The bill also requires that insurers offering group health insurance coverage notify individuals of the special enrollment period at or before the time the individual is initially offered the opportunity to enroll in the plan.

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

4 **SECTION 1.** 40.51 (8) of the statutes, as affected by 2021 Wisconsin Act 9, is  
5 amended to read:

**ASSEMBLY BILL 699****SECTION 1**

1           40.51 (8) Every health care coverage plan offered by the state under sub. (6)  
2 shall comply with ss. 631.89, 631.90, 631.93 (2), 631.95, 632.72 (2), 632.729, 632.746  
3 (1) to (8) and (10), 632.747, 632.748, 632.7498, 632.798, 632.83, 632.835, 632.85,  
4 632.853, 632.855, 632.861, 632.867, 632.87 (3) to (6), 632.885, 632.89, 632.895 (5m)  
5 and (8) to (17), and 632.896.

6           **SECTION 2.** 40.51 (8m) of the statutes, as affected by 2021 Wisconsin Act 9, is  
7 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, 632.729, 632.746 (1) to (8) and (10),  
10 632.747, 632.748, 632.7498, 632.798, 632.83, 632.835, 632.85, 632.853, 632.855,  
11 632.861, 632.867, 632.885, 632.89, and 632.895 (11) to (17).

12           **SECTION 3.** 66.0137 (4) of the statutes, as affected by 2021 Wisconsin Act 9, is  
13 amended to read:

14           66.0137 (4) SELF-INSURED HEALTH PLANS. If a city, including a 1st class city, or  
15 a village provides health care benefits under its home rule power, or if a town  
16 provides health care benefits, to its officers and employees on a self-insured basis,  
17 the self-insured plan shall comply with ss. 49.493 (3) (d), 631.89, 631.90, 631.93 (2),  
18 632.729, 632.746 (10) (a) 2. and (b) 2., 632.747 (3), 632.7498, 632.798, 632.85,  
19 632.853, 632.855, 632.861, 632.867, 632.87 (4) to (6), 632.885, 632.89, 632.895 (9) to  
20 (17), 632.896, and 767.513 (4).

21           **SECTION 4.** 120.13 (2) (g) of the statutes, as affected by 2021 Wisconsin Act 9,  
22 is amended to read:

23           120.13 (2) (g) Every self-insured plan under par. (b) shall comply with ss.  
24 49.493 (3) (d), 631.89, 631.90, 631.93 (2), 632.729, 632.746 (10) (a) 2. and (b) 2.,

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1 632.747 (3), 632.7498, 632.798, 632.85, 632.853, 632.855, 632.861, 632.867, 632.87  
2 (4) to (6), 632.885, 632.89, 632.895 (9) to (17), 632.896, and 767.513 (4).

3 **SECTION 5.** 185.983 (1) (intro.) of the statutes, as affected by 2021 Wisconsin  
4 Act 9, is amended to read:

5 185.983 (1) (intro.) Every voluntary nonprofit health care plan operated by a  
6 cooperative association organized under s. 185.981 shall be exempt from chs. 600 to  
7 646, with the exception of ss. 601.04, 601.13, 601.31, 601.41, 601.42, 601.43, 601.44,  
8 601.45, 611.26, 611.67, 619.04, 623.11, 623.12, 628.34 (10), 631.17, 631.89, 631.93,  
9 631.95, 632.72 (2), 632.729, 632.745 to 632.749, 632.7498, 632.775, 632.79, 632.795,  
10 632.798, 632.85, 632.853, 632.855, 632.861, 632.867, 632.87 (2) to (6), 632.885,  
11 632.89, 632.895 (5) and (8) to (17), 632.896, and 632.897 (10) and chs. 609, 620, 630,  
12 635, 645, and 646, but the sponsoring association shall:

13 **SECTION 6.** 609.40 of the statutes is created to read:

14 **609.40 Special enrollment period for pregnancy.** Preferred provider  
15 plans and defined network plans are subject to s. 632.7498.

16 **SECTION 7.** 632.7498 of the statutes is created to read:

17 **632.7498 Special enrollment period for pregnancy. (1) DEFINITIONS.** In  
18 this section:

19 (a) "Health benefit plan" has the meaning given in s. 632.745 (11).

20 (b) "Self-insured health plan" has the meaning given in s. 632.85 (1) (c).

21 **(2) SPECIAL ENROLLMENT PERIOD.** A health benefit plan or self-insured health  
22 plan shall allow a pregnant individual who is eligible for coverage under the plan,  
23 and any individual who is eligible for coverage under the plan because of a  
24 relationship to the pregnant individual, to enroll for coverage at any time during the  
25 pregnancy. The coverage shall begin no later than the first day of the first calendar

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1 month in which the pregnant individual receives medical verification of the  
2 pregnancy, except that a pregnant individual may direct coverage to begin on the  
3 first day of any month occurring during the pregnancy.

4 (3) NOTICE. An insurer offering group health insurance coverage in this state  
5 shall provide notice of the special enrollment period under sub. (2) at or before the  
6 time an individual is initially offered the opportunity to enroll for coverage under the  
7 plan.

8 **SECTION 8. Initial applicability.**

9 (1) (a) For policies and plans containing provisions inconsistent with this act,  
10 the act first applies to policy or plan years beginning on January 1 of the year  
11 following the year in which this paragraph takes effect, except as provided in par. (b).

12 (b) For policies and plans that are affected by a collective bargaining agreement  
13 containing provisions inconsistent with this act, this act first applies to policy or plan  
14 years beginning on the effective date of this paragraph or on the day on which the  
15 collective bargaining agreement is newly established, extended, modified, or  
16 renewed, whichever is later.

17 **SECTION 9. Effective date.**

18 (1) This act takes effect on the first day of the 4th month beginning after  
19 publication.

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(END)