
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 316 Session of
2007

INTRODUCED BY LEACH, RUBLEY, BENNINGTON, BISHOP, CURRY,
DePASQUALE, FREEMAN, GERGELY, JOSEPHS, MAHONEY, MANDERINO,
MANN, MUNDY, M. O'BRIEN, PAYTON, ROEBUCK, ROSS, STURLA,
R. TAYLOR, WALKO AND YOUNGBLOOD, FEBRUARY 7, 2007

REFERRED TO COMMITTEE ON HEALTH AND HUMAN SERVICES,
FEBRUARY 7, 2007

AN ACT

1 To ensure equitable coverage of prescription contraceptive drugs
2 and devices and the medical and counseling services necessary
3 for their effective use.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Short title.

7 This act shall be known and may be cited as the Prescription
8 Contraception Equity Act.

9 Section 2. Findings.

10 The General Assembly finds and declares as follows:

11 (1) Each year, more than 3,000,000 women face an
12 unintended pregnancy, representing nearly half of all
13 pregnancies in the United States.

14 (2) By reducing rates of unintended pregnancy,
15 contraception improves women's health and well-being, reduces
16 infant morbidity and mortality and reduces the need for
17 abortion.

1 (3) The cost of adding insurance coverage for all FDA-
2 approved contraception and related medical and counseling
3 services has been estimated at less than \$2 per employee per
4 month.

5 (4) Most insurance policies cover prescription drugs and
6 devices and outpatient medical and counseling services but do
7 not cover all methods of FDA-approved contraception and the
8 medical and counseling services necessary for their effective
9 use. Many policies cover no reversible methods of
10 contraception at all.

11 (5) Health insurance policies that fail to cover
12 prescription contraception and related medical and counseling
13 services discriminate against women and place effective forms
14 of contraception beyond the financial reach of many families.
15 Women of reproductive age spend 68% more than men on out-of-
16 pocket health care costs. Contraceptive drugs, devices and
17 related medical and counseling services account for much of
18 this difference.

19 (6) At least 23 states have enacted laws to address the
20 inequity in prescription coverage caused by exclusion of
21 contraceptives. Women in this Commonwealth also deserve this
22 protection.

23 (7) The Equal Employment Opportunity Commission ruled in
24 2000 that employers may not discriminate against women in
25 their health insurance plans by denying benefits for
26 prescription contraceptives if they provide benefits for
27 drugs, devices and services used to prevent other medical
28 conditions. On June 12, 2001, a Federal district court ruled
29 in Erickson v. Bartell Drug Company that an employer's
30 exclusion of prescription contraception from a health plan

1 that covers other prescription drugs and devices is illegal
2 sex discrimination in violation of Title VII of the Civil
3 Rights Act of 1964 (Public Law 88-352, 78 Stat. 241), as
4 amended by the act of October 31, 1978 (Public Law 95-555, 92
5 Stat. 2076), referred to as the Pregnancy Discrimination Act.

6 (8) Following the inclusion of contraceptive coverage in
7 the Federal Employees Health Benefits Program in 1999, the
8 United States Office of Personnel Management reported that no
9 increased cost had been incurred as a result of the added
10 coverage.

11 (9) This act affects the business of insurance. The
12 requirements of this act govern entities within the insurance
13 industry that provide health insurance policies as defined by
14 this act. The provisions of this act transfer and spread an
15 insured's risk and are an integral part of the policy
16 relationship between the insurer and the insured.

17 Section 3. Definitions.

18 The following words and phrases when used in this act shall
19 have the meanings given to them in this section unless the
20 context clearly indicates otherwise:

21 "Health insurance policy."

22 (1) Any individual or group health insurance policy,
23 contract or plan with coverage for prescription drugs that
24 provides medical coverage on an expense-incurred service or
25 prepaid basis issued by an entity subject to any one of the
26 following:

27 (i) The act of May 17, 1921 (P.L.682, No.284), known
28 as The Insurance Company Law of 1921.

29 (ii) Subarticle (f) of Article IV of the act of June
30 13, 1967 (P.L.31, No.21), known as the Public Welfare

1 Code.

2 (iii) The act of December 29, 1972 (P.L.1701,
3 No.364), known as the Health Maintenance Organization
4 Act.

5 (iv) The act of May 18, 1976 (P.L.123, No.54), known
6 as the Individual Accident and Sickness Insurance Minimum
7 Standards Act.

8 (v) 40 Pa.C.S. Ch. 61 (relating to hospital plan
9 corporations) or 63 (relating to professional health
10 services plan corporations).

11 (2) The term does not include any of the following types
12 of insurance or a combination of any of the following types
13 of insurance:

14 (i) Short-term travel.

15 (ii) Accident-only.

16 (iii) Workers' compensation.

17 (iv) Short-term nonrenewable policies of not more
18 than six months' duration.

19 (v) Hospital indemnity.

20 (vi) Specified disease.

21 (vii) Disability income.

22 (viii) Dental.

23 (ix) Vision.

24 (x) Civilian Health and Medical Program of the
25 Uniformed Services (CHAMPUS) supplement.

26 (xi) Medicare or Medicaid supplemental contract.

27 (xii) Long-term care.

28 (xiii) Limited coverage accident and sickness
29 policy. This subparagraph includes cancer insurance,
30 polio insurance and any similar policy identified as

1 exempt from this section by the Insurance Commissioner.

2 "Limitation." Any copayment, deductible or other cost-
3 sharing mechanism or premium differential.

4 "Outpatient medical or counseling service necessary for the
5 effective use of contraception." The term includes, but is not
6 limited to, examinations, procedures and medical and counseling
7 services provided on an outpatient basis and services for
8 initial and periodic comprehensive physical examinations,
9 medical, laboratory and radiology services warranted by the
10 initial and periodic examinations or by the history, physical
11 findings or risk factors, including medical services necessary
12 for the insertion and removal of any contraceptive drug or
13 device and individual or group family planning counseling.

14 "Prescription contraceptive device." Any regimen of a
15 prescription contraceptive device approved by the Food and Drug
16 Administration, as well as any generic equivalent approved as
17 substitutable by the Food and Drug Administration.

18 "Prescription contraceptive drug." Any regimen of a
19 prescription contraceptive drug approved by the Food and Drug
20 Administration, as well as any generic equivalent approved as
21 substitutable by the Food and Drug Administration.

22 Section 4. Mandated coverage.

23 (a) General rule.--A health insurance policy that is
24 delivered, issued for delivery, renewed, extended or modified in
25 this Commonwealth on or after the effective date of this act
26 shall provide that the health insurance benefits applicable
27 under the policy include coverage for:

28 (1) Any prescription contraceptive drug, if the policy
29 provides coverage for other prescription drugs.

30 (2) Any prescription contraceptive device, if the policy

1 provides coverage for other prescription devices.

2 (3) Any outpatient medical or counseling service
3 necessary for the effective use of contraception, if the
4 policy provides coverage for other outpatient medical or
5 counseling services.

6 (b) Exceptions.--Nothing in this act shall be construed to
7 prevent a health insurance policy from imposing a limitation in
8 relation to any of the following, provided that the limitation
9 for this coverage is not greater than or different from all
10 other limitations imposed under general terms and conditions
11 under the policy:

12 (1) Coverage for prescription contraceptive drugs.

13 (2) Coverage for prescription contraceptive devices.

14 (3) Coverage for outpatient medical or counseling
15 services necessary for the effective use of contraception.

16 Section 5. Effective date.

17 This act shall take effect in 180 days.