

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2756 Session of  
2008

INTRODUCED BY BENNINGTON, WAGNER, BRENNAN, BUXTON, CALTAGIRONE,  
DePASQUALE, FRANKEL, JOSEPHS, LEACH, MAHONEY, MANDERINO,  
MANN, McGEEHAN, M. O'BRIEN, PARKER, ROSS, SIPTROTH,  
McILVAINE SMITH, STURLA, WALKO, J. WHITE AND YOUNGBLOOD,  
SEPTEMBER 9, 2008

REFERRED TO COMMITTEE ON INSURANCE, SEPTEMBER 9, 2008

AN ACT

1 Amending the act of May 17, 1921 (P.L.682, No.284), entitled "An  
2 act relating to insurance; amending, revising, and  
3 consolidating the law providing for the incorporation of  
4 insurance companies, and the regulation, supervision, and  
5 protection of home and foreign insurance companies, Lloyds  
6 associations, reciprocal and inter-insurance exchanges, and  
7 fire insurance rating bureaus, and the regulation and  
8 supervision of insurance carried by such companies,  
9 associations, and exchanges, including insurance carried by  
10 the State Workmen's Insurance Fund; providing penalties; and  
11 repealing existing laws," in health and accident insurance,  
12 further providing for coverage for prescription contraceptive  
13 drugs and devices.

14 The General Assembly of the Commonwealth of Pennsylvania  
15 hereby enacts as follows:

16 Section 1. The act of May 17, 1921 (P.L.682, No.284), known  
17 as The Insurance Company Law of 1921, is amended by adding a  
18 section to read:

19 Section 633.1. Coverage for Prescription Contraceptive Drugs  
20 and Devices and for Outpatient Medical or Counseling Services  
21 Necessary for the Effective Use of Contraception.--(a) Every  
22 health insurance policy delivered, issued, executed or renewed

1 in this Commonwealth on or after the effective date of this  
2 section shall provide coverage for the expenses of:

- 3 (1) Any prescription contraceptive drug.
- 4 (2) Any prescription contraceptive device.
- 5 (3) Any outpatient medical or counseling service necessary  
6 for the effective use of contraception.

7 (b) Nothing in this act shall be construed to prevent a  
8 health insurance policy from imposing any co-payment, deductible  
9 or other cost-sharing mechanism or premium differential in  
10 relation to any of the following coverage, provided that the  
11 limitation for the coverage is not greater than or different  
12 from all other co-payments, deductibles or other cost-sharing  
13 mechanisms or premium differentials imposed under general terms  
14 and conditions under the policy: coverage for prescription  
15 contraceptive drugs, prescription contraceptive devices and  
16 outpatient medical or counseling services necessary for the  
17 effective use of contraception.

18 (c) As used in this section, the following words and phrases  
19 shall have the meanings given to them in this subsection:

20 "Health insurance policy."

21 (1) Any individual or group health insurance policy,  
22 contract or plan which provides medical or health care coverage  
23 by any health care facility or licensed health care provider on  
24 an expense-incurred service or prepaid basis and which is  
25 offered by or is governed under any of the following:

26 (i) This act.

27 (ii) Subdivision (f) of Article IV of the act of June 13,  
28 1967 (P.L.31, No.21), known as the "Public Welfare Code."

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

1     (iv) The act of May 18, 1976 (P.L.123, No.54), known as the  
2 "Individual Accident and Sickness Insurance Minimum Standards  
3 Act."

4     (v) A nonprofit corporation subject to 40 Pa.C.S. Ch. 61  
5 (relating to hospital plan corporations) or 63 (relating to  
6 professional health services plan corporations).

7     (2) The term does not include any of the following types of  
8 insurance or a combination of any of the following types of  
9 insurance:

10     (i) Short-term travel.

11     (ii) Accident-only.

12     (iii) Workers' compensation.

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

15     (v) Hospital indemnity.

16     (vi) Specified disease.

17     (vii) Disability income.

18     (viii) Dental.

19     (ix) Vision.

20     (x) Civilian Health and Medical Program of the Uniformed  
21 Services (CHAMPUS) supplement.

22     (xi) Medicare or Medicaid supplemental contract.

23     (xii) Long-term care.

24     (xiii) Limited coverage accident and sickness policy.

25 This subparagraph includes cancer insurance, polio insurance and  
26 any similar policy identified as exempt from this section by the  
27 Insurance Commissioner.

28     "Outpatient medical or counseling service necessary for the  
29 effective use of contraception." The term includes, but is not  
30 limited to, examinations, procedures and medical and counseling

1 services provided on an outpatient basis and services for  
2 initial and periodic comprehensive physical examinations,  
3 medical, laboratory and radiology services warranted by the  
4 initial and periodic examinations or by the history, physical  
5 findings or risk factors, including medical services necessary  
6 for the insertion and removal of any contraceptive drug or  
7 device and individual or group family planning counseling.

8 "Prescription contraceptive device." Any regimen of a  
9 prescription contraceptive device approved by the Food and Drug  
10 Administration, as well as any generic equivalent approved as  
11 substitutable by the Food and Drug Administration.

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

16 Section 2. This act shall take effect in 60 days.