

2023 -- S 0562

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO INSURANCE -- ACCIDENT AND SICKNESS INSURANCE POLICIES

Introduced By: Senators Euer, DiMario, Miller, Cano, Sosnowski, Mack, Zurier,
LaMountain, Gu, and Lawson

Date Introduced: March 07, 2023

Referred To: Senate Health & Human Services

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 27-18-57 of the General Laws in Chapter 27-18 entitled "Accident
2 and Sickness Insurance Policies" is hereby amended to read as follows:

3 **27-18-57. F.D.A. approved prescription contraceptive drugs and devices.**

4 (a) Every individual or group health insurance contract, plan, or policy issued pursuant to
5 this title that ~~provides prescription coverage and~~ is delivered, issued for delivery, ~~or~~ renewed,
6 amended or effective in this state on or after January 1, 2024 shall provide coverage for ~~F.D.A.~~
7 ~~approved contraceptive drugs and devices requiring a prescription~~ all of the following services and
8 contraceptive methods. Provided, that nothing in this subsection shall be deemed to mandate or
9 require coverage for the prescription drug RU 486.

10 (1) All FDA-approved contraceptive drugs, devices, and other products. The following
11 applies to this coverage:

12 (i) If there is a therapeutic equivalent of an FDA-approved contraceptive drug, device, or
13 product, the contract shall include either the original FDA-approved contraceptive drug device, or
14 product or at least one of its therapeutic equivalents. "Therapeutic equivalent" shall have the same
15 definition as that set forth by the FDA;

16 (ii) If the covered therapeutic equivalent versions of a drug, device, or product are not
17 available, or are not tolerated by the patient, or are deemed medically inadvisable, a group or
18 blanket policy shall provide coverage for an alternate therapeutic equivalent version of the
19 contraceptive drug, device, or product, based on the determination of the health care provider,

1 without cost-sharing;

2 (iii) A plan shall not require a prescription to trigger coverage of FDA-approved over-the-
3 counter contraceptive drugs, devices, and products, and shall provide point-of-sale coverage for
4 over-the-counter contraceptives at in-network pharmacies without cost-sharing or medical
5 management restrictions.

6 (2) Voluntary sterilization procedures;

7 (3) Clinical services related to the provision or use of contraception, including
8 consultations, examinations, procedures, device insertion, ultrasound, anesthesia, patient
9 education, referrals, and counseling; and

10 (4) Follow-up services related to the drugs, devices, products, and procedures covered
11 under this section, including, but not limited to, management of side effects, counseling for
12 continued adherence, and device insertion and removal.

13 (b) A group or blanket policy subject to this section shall not impose a deductible,
14 coinsurance, copayment or any other cost-sharing requirement on the coverage provided pursuant
15 to this section. For a qualifying high-deductible health plan for a health savings account, the carrier
16 shall establish the plan's cost-sharing for the coverage provided pursuant to this section at the
17 minimum level necessary to preserve the enrollee's ability to claim tax-exempt contributions and
18 withdrawals from his or her health savings account under 26 U.S.C. § 223. A health plan shall not
19 impose utilization control or other forms of medical management limiting the supply of FDA-
20 approved contraception that may be dispensed or furnished by a provider or pharmacist, or at a
21 location licensed or otherwise authorized to dispense drugs or supplies in an amount that is less
22 than a twelve (12) month supply, and shall not require an enrollee to make any formal request for
23 such coverage other than a pharmacy claim.

24 (c) Except as otherwise authorized under this section, a group or blanket policy shall not
25 impose any restrictions or delays on the coverage required under this section.

26 (d) Benefits for an enrollee under this section shall be the same for an enrollee's covered
27 spouse or domestic partner and covered non-spouse dependents.

28 ~~(b)~~(e) Notwithstanding any other provision of this section, any insurance company may
29 issue to a religious employer an individual or group health insurance contract, plan, or policy that
30 excludes coverage for prescription contraceptive methods that are contrary to the religious
31 employer's bona fide religious tenets. The exclusion from coverage under this provision shall not
32 apply to contraceptive services or procedures provided for purposes other than contraception, such
33 as decreasing the risk of ovarian cancer or eliminating symptoms of menopause.

34 ~~(e)~~(f) As used in this section, "religious employer" means an employer that is a "church or

1 a qualified church-controlled organization” as defined in 26 U.S.C. § 3121.

2 ~~(g)~~ This section does not apply to insurance coverage providing benefits for: (1) Hospital
3 confinement indemnity; (2) Disability income; (3) Accident only; (4) Long-term care; (5) Medicare
4 supplement; (6) Limited benefit health; (7) Specified disease indemnity; (8) Sickness or bodily
5 injury or death by accident or both; and (9) Other limited-benefit policies.

6 ~~(h)~~ Every religious employer that invokes the exemption provided under this section
7 shall provide written notice to prospective enrollees prior to enrollment with the plan, listing the
8 contraceptive healthcare services the employer refuses to cover for religious reasons.

9 ~~(i)~~ Beginning on the first day of each plan year after April 1, 2019, every health insurance
10 issuer offering group or individual health insurance coverage that covers prescription contraception
11 shall not restrict reimbursement for dispensing a covered prescription contraceptive up to three
12 hundred sixty-five (365) days at a time that may be furnished or dispensed all at once or over the
13 course of the twelve (12) month period at the discretion of the prescriber.

14 (j) Nothing in this section shall be construed to exclude coverage for contraceptive drugs,
15 devices, or products for reasons other than contraceptive purposes, such as decreasing the risk of
16 ovarian cancer or eliminating symptoms of menopause, or for contraception that is necessary to
17 preserve the life or health of an enrollee. A plan that violates this section is subject to penalties, in
18 accordance with § 27-18-20. The department may base its determinations on findings from onsite
19 surveys, enrollee or other complaints, financial status, or any other source.

20 (k) The department shall monitor plan compliance in accordance with this section and shall
21 adopt rules for the implementation of this section, including the following:

22 (1) In addition to any requirements under state administrative procedures, the department
23 shall engage in a stakeholder process prior to the adoption of rules that include health care service
24 plans, pharmacy benefit plans, consumer representatives, including those representing youth, low-
25 income people, and communities of color, and other interested parties. The department shall hold
26 stakeholder meetings for stakeholders of different types to ensure sufficient opportunity to consider
27 factors and processes relevant to contraceptive coverage. The department shall provide notice of
28 stakeholder meetings on the department's website, and stakeholder meetings shall be open to the
29 public.

30 (2) The department shall conduct random reviews of each plan and its subcontractors to
31 ensure compliance with this section.

32 (3) The department shall submit an annual report to the general assembly and any other
33 appropriate entity with its findings from the random compliance reviews detailed in this section
34 and any other compliance or implementation efforts. This report shall be made available to the

1 [public on the department's website.](#)

2 SECTION 2. Section 27-19-48 of the General Laws in Chapter 27-19 entitled "Nonprofit
3 Hospital Service Corporations" is hereby amended to read as follows:

4 **27-19-48. F.D.A. approved prescription contraceptive drugs and devices.**

5 (a) Every individual or group health insurance contract, plan, or policy [issued pursuant to](#)
6 [this title](#) that ~~provides prescription coverage and~~ is delivered, issued for delivery, ~~or~~ renewed,
7 [amended or effective](#) in this state [on or after January 1, 2024](#) shall provide coverage for ~~F.D.A.~~
8 ~~approved contraceptive drugs and devices requiring a prescription~~ [all of the following services and](#)
9 [contraceptive methods](#). Provided, that nothing in this subsection shall be deemed to mandate or
10 require coverage for the prescription drug RU 486.

11 [\(1\) All FDA-approved contraceptive drugs, devices, and other products. The following](#)
12 [applies to this coverage:](#)

13 [\(i\) If there is a therapeutic equivalent of an FDA-approved contraceptive drug, device, or](#)
14 [product, the contract shall include either the original FDA-approved contraceptive drug device, or](#)
15 [product or at least one of its therapeutic equivalents. "Therapeutic equivalent" shall have the same](#)
16 [definition as that set forth by the FDA;](#)

17 [\(ii\) If the covered therapeutic equivalent versions of a drug, device, or product are not](#)
18 [available, or are not tolerated by the patient, or are deemed medically inadvisable, a group or](#)
19 [blanket policy shall provide coverage for an alternate therapeutic equivalent version of the](#)
20 [contraceptive drug, device, or product, based on the determination of the health care provider,](#)
21 [without cost-sharing;](#)

22 [\(iii\) A plan shall not require a prescription to trigger coverage of FDA-approved over-the-](#)
23 [counter contraceptive drugs, devices, and products, and shall provide point-of-sale coverage for](#)
24 [over-the-counter contraceptives at in-network pharmacies without cost-sharing or medical](#)
25 [management restrictions.](#)

26 [\(2\) Voluntary sterilization procedures;](#)

27 [\(3\) Clinical services related to the provision or use of contraception, including](#)
28 [consultations, examinations, procedures, device insertion, ultrasound, anesthesia, patient](#)
29 [education, referrals, and counseling; and](#)

30 [\(4\) Follow-up services related to the drugs, devices, products, and procedures covered](#)
31 [under this section, including, but not limited to, management of side effects, counseling for](#)
32 [continued adherence, and device insertion and removal.](#)

33 [\(b\) A group or blanket policy subject to this section shall not impose a deductible,](#)
34 [coinsurance, copayment or any other cost-sharing requirement on the coverage provided pursuant](#)

1 to this section. For a qualifying high-deductible health plan for a health savings account, the carrier
2 shall establish the plan's cost-sharing for the coverage provided pursuant to this section at the
3 minimum level necessary to preserve the enrollee's ability to claim tax-exempt contributions and
4 withdrawals from his or her health savings account under 26 U.S.C. § 223. A health plan shall not
5 impose utilization control or other forms of medical management limiting the supply of FDA-
6 approved contraception that may be dispensed or furnished by a provider or pharmacist, or at a
7 location licensed or otherwise authorized to dispense drugs or supplies in an amount that is less
8 than a twelve (12) month supply, and shall not require an enrollee to make any formal request for
9 such coverage other than a pharmacy claim.

10 (c) Except as otherwise authorized under this section, a group or blanket policy shall not
11 impose any restrictions or delays on the coverage required under this section.

12 (d) Benefits for an enrollee under this section shall be the same for an enrollee's covered
13 spouse or domestic partner and covered non-spouse dependents.

14 ~~(e)~~(e) Notwithstanding any other provision of this section, any hospital service corporation
15 may issue to a religious employer an individual or group health insurance contract, plan, or policy
16 that excludes coverage for prescription contraceptive methods that are contrary to the religious
17 employer's bona fide religious tenets. The exclusion from coverage under this provision shall not
18 apply to contraceptive services or procedures provided for purposes other than contraception, such
19 as decreasing the risk of ovarian cancer or eliminating symptoms of menopause.

20 ~~(f)~~(f) As used in this section, "religious employer" means an employer that is a "church or
21 a qualified church-controlled organization" as defined in 26 U.S.C. § 3121.

22 ~~(g)~~(g) Every religious employer that invokes the exemption provided under this section
23 shall provide written notice to prospective enrollees prior to enrollment with the plan, listing the
24 contraceptive healthcare services the employer refuses to cover for religious reasons.

25 ~~(h)~~(h) Beginning on the first day of each plan year after April 1, 2019, every health
26 insurance issuer offering group or individual health insurance coverage that covers prescription
27 contraception shall not restrict reimbursement for dispensing a covered prescription contraceptive
28 up to three hundred sixty-five (365) days at a time that may be furnished or dispensed all at once
29 or over the course of the twelve (12) month period at the discretion of the prescriber.

30 (i) Nothing in this section shall be construed to exclude coverage for contraceptive drugs,
31 devices, or products for reasons other than contraceptive purposes, such as decreasing the risk of
32 ovarian cancer or eliminating symptoms of menopause, or for contraception that is necessary to
33 preserve the life or health of an enrollee. A plan that violates this section is subject to penalties, in
34 accordance with § 27-19-38. The department may base its determinations on findings from onsite

1 surveys, enrollee or other complaints, financial status, or any other source.

2 (j) The department shall monitor plan compliance in accordance with this section and shall
3 adopt rules for the implementation of this section, including the following:

4 (1) In addition to any requirements under state administrative procedures, the department
5 shall engage in a stakeholder process prior to the adoption of rules that include health care service
6 plans, pharmacy benefit plans, consumer representatives, including those representing youth, low-
7 income people, and communities of color, and other interested parties. The department shall hold
8 stakeholder meetings for stakeholders of different types to ensure sufficient opportunity to consider
9 factors and processes relevant to contraceptive coverage. The department shall provide notice of
10 stakeholder meetings on the department's website, and stakeholder meetings shall be open to the
11 public.

12 (2) The department shall conduct random reviews of each plan and its subcontractors to
13 ensure compliance with this section.

14 (3) The department shall submit an annual report to the general assembly and any other
15 appropriate entity with its findings from the random compliance reviews detailed in this section
16 and any other compliance or implementation efforts. This report shall be made available to the
17 public on the department's website.

18 SECTION 3. Section 27-20-43 of the General Laws in Chapter 27-20 entitled "Nonprofit
19 Medical Service Corporations" is hereby amended to read as follows:

20 **27-20-43. F.D.A. approved prescription contraceptive drugs and devices.**

21 (a) Every individual or group health insurance contract, plan, or policy issued pursuant to
22 this title that ~~provides prescription coverage and~~ is delivered, issued for delivery, ~~or~~ renewed,
23 amended or effective in this state on or after January 1, 2024 shall provide coverage for ~~F.D.A.~~
24 ~~approved contraceptive drugs and devices requiring a prescription~~ all of the following services and
25 contraceptive methods. Provided, that nothing in this subsection shall be deemed to mandate or
26 require coverage for the prescription drug RU 486.

27 (1) All FDA-approved contraceptive drugs, devices, and other products. The following
28 applies to this coverage:

29 (i) If there is a therapeutic equivalent of an FDA-approved contraceptive drug, device, or
30 product, the contract shall include either the original FDA-approved contraceptive drug device, or
31 product or at least one of its therapeutic equivalents. "Therapeutic equivalent" shall have the same
32 definition as that set forth by the FDA;

33 (ii) If the covered therapeutic equivalent versions of a drug, device, or product are not
34 available, or are not tolerated by the patient, or are deemed medically inadvisable, a group or

1 blanket policy shall provide coverage for an alternate therapeutic equivalent version of the
2 contraceptive drug, device, or product, based on the determination of the health care provider,
3 without cost-sharing;

4 (iii) A plan shall not require a prescription to trigger coverage of FDA-approved over-the-
5 counter contraceptive drugs, devices, and products, and shall provide point-of-sale coverage for
6 over-the-counter contraceptives at in-network pharmacies without cost-sharing or medical
7 management restrictions.

8 (2) Voluntary sterilization procedures;

9 (3) Clinical services related to the provision or use of contraception, including
10 consultations, examinations, procedures, device insertion, ultrasound, anesthesia, patient
11 education, referrals, and counseling; and

12 (4) Follow-up services related to the drugs, devices, products, and procedures covered
13 under this section, including, but not limited to, management of side effects, counseling for
14 continued adherence, and device insertion and removal.

15 (b) A group or blanket policy subject to this section shall not impose a deductible,
16 coinsurance, copayment or any other cost-sharing requirement on the coverage provided pursuant
17 to this section. For a qualifying high-deductible health plan for a health savings account, the carrier
18 shall establish the plan's cost-sharing for the coverage provided pursuant to this section at the
19 minimum level necessary to preserve the enrollee's ability to claim tax-exempt contributions and
20 withdrawals from his or her health savings account under 26 U.S.C. § 223. A health plan shall not
21 impose utilization control or other forms of medical management limiting the supply of FDA-
22 approved contraception that may be dispensed or furnished by a provider or pharmacist, or at a
23 location licensed or otherwise authorized to dispense drugs or supplies in an amount that is less
24 than a twelve (12) month supply, and shall not require an enrollee to make any formal request for
25 such coverage other than a pharmacy claim.

26 (c) Except as otherwise authorized under this section, a group or blanket policy shall not
27 impose any restrictions or delays on the coverage required under this section.

28 (d) Benefits for an enrollee under this section shall be the same for an enrollee's covered
29 spouse or domestic partner and covered non-spouse dependents.

30 ~~(b)~~(e) Notwithstanding any other provision of this section, any medical service corporation
31 may issue to a religious employer an individual or group health insurance contract, plan, or policy
32 that excludes coverage for prescription contraceptive methods which are contrary to the religious
33 employer's bona fide religious tenets. The exclusion from coverage under this provision shall not
34 apply to contraceptive services or procedures provided for purposes other than contraception, such

1 as decreasing the risk of ovarian cancer or eliminating symptoms of menopause.

2 ~~(e)~~(f) As used in this section, “religious employer” means an employer that is a “church or
3 a qualified church-controlled organization” as defined in 26 U.S.C. § 3121.

4 ~~(d)~~(g) Every religious employer that invokes the exemption provided under this section
5 shall provide written notice to prospective enrollees prior to enrollment with the plan, listing the
6 contraceptive healthcare services the employer refuses to cover for religious reasons.

7 ~~(e)~~(h) Beginning on the first day of each plan year after April 1, 2019, every health
8 insurance issuer offering group or individual health insurance coverage that covers prescription
9 contraception shall not restrict reimbursement for dispensing a covered prescription contraceptive
10 up to three hundred sixty-five (365) days at a time that may be furnished or dispensed all at once
11 or over the course of the twelve (12) month period at the discretion of the prescriber.

12 (i) Nothing in this section shall be construed to exclude coverage for contraceptive drugs,
13 devices, or products for reasons other than contraceptive purposes, such as decreasing the risk of
14 ovarian cancer or eliminating symptoms of menopause, or for contraception that is necessary to
15 preserve the life or health of an enrollee. A plan that violates this section is subject to penalties, in
16 accordance with § 27-20-33. The department may base its determinations on findings from onsite
17 surveys, enrollee or other complaints, financial status, or any other source.

18 (j) The department shall monitor plan compliance in accordance with this section and shall
19 adopt rules for the implementation of this section, including the following:

20 (1) In addition to any requirements under state administrative procedures, the department
21 shall engage in a stakeholder process prior to the adoption of rules that include health care service
22 plans, pharmacy benefit plans, consumer representatives, including those representing youth, low-
23 income people, and communities of color, and other interested parties. The department shall hold
24 stakeholder meetings for stakeholders of different types to ensure sufficient opportunity to consider
25 factors and processes relevant to contraceptive coverage. The department shall provide notice of
26 stakeholder meetings on the department's website, and stakeholder meetings shall be open to the
27 public.

28 (2) The department shall conduct random reviews of each plan and its subcontractors to
29 ensure compliance with this section.

30 (3) The department shall submit an annual report to the general assembly and any other
31 appropriate entity with its findings from the random compliance reviews detailed in this section
32 and any other compliance or implementation efforts. This report shall be made available to the
33 public on the department's website.

34 SECTION 4. Section 27-41-59 of the General Laws in Chapter 27-41 entitled "Health

1 Maintenance Organizations" is hereby amended to read as follows:

2 **27-41-59. F.D.A. approved prescription contraceptive drugs and devices.**

3 (a) Every individual or group health insurance contract, plan, or policy issued pursuant to
4 this title that ~~provides prescription coverage and~~ is delivered, issued for delivery, ~~or~~ renewed,
5 amended or effective in this state on or after January 1, 2024 shall provide coverage for ~~F.D.A.~~
6 ~~approved contraceptive drugs and devices requiring a prescription; provided,~~ all of the following
7 services and contraceptive methods. Provided, that nothing in this subsection shall be deemed to
8 mandate or require coverage for the prescription drug RU 486.

9 (1) All FDA-approved contraceptive drugs, devices, and other products. The following
10 applies to this coverage:

11 (i) If there is a therapeutic equivalent of an FDA-approved contraceptive drug, device, or
12 product, the contract shall include either the original FDA-approved contraceptive drug device, or
13 product or at least one of its therapeutic equivalents. "Therapeutic equivalent" shall have the same
14 definition as that set forth by the FDA;

15 (ii) If the covered therapeutic equivalent versions of a drug, device, or product are not
16 available, or are not tolerated by the patient, or are deemed medically inadvisable, a group or
17 blanket policy shall provide coverage for an alternate therapeutic equivalent version of the
18 contraceptive drug, device, or product, based on the determination of the health care provider,
19 without cost-sharing;

20 (iii) A plan shall not require a prescription to trigger coverage of FDA-approved over-the-
21 counter contraceptive drugs, devices, and products, and shall provide point-of-sale coverage for
22 over-the-counter contraceptives at in-network pharmacies without cost-sharing or medical
23 management restrictions.

24 (2) Voluntary sterilization procedures;

25 (3) Clinical services related to the provision or use of contraception, including
26 consultations, examinations, procedures, device insertion, ultrasound, anesthesia, patient
27 education, referrals, and counseling; and

28 (4) Follow-up services related to the drugs, devices, products, and procedures covered
29 under this section, including, but not limited to, management of side effects, counseling for
30 continued adherence, and device insertion and removal.

31 (b) A group or blanket policy subject to this section shall not impose a deductible,
32 coinsurance, copayment or any other cost-sharing requirement on the coverage provided pursuant
33 to this section. For a qualifying high-deductible health plan for a health savings account, the carrier
34 shall establish the plan's cost-sharing for the coverage provided pursuant to this section at the

1 minimum level necessary to preserve the enrollee's ability to claim tax-exempt contributions and
2 withdrawals from his or her health savings account under 26 U.S.C. § 223. A health plan shall not
3 impose utilization control or other forms of medical management limiting the supply of FDA-
4 approved contraception that may be dispensed or furnished by a provider or pharmacist, or at a
5 location licensed or otherwise authorized to dispense drugs or supplies in an amount that is less
6 than a twelve (12) month supply, and shall not require an enrollee to make any formal request for
7 such coverage other than a pharmacy claim.

8 (c) Except as otherwise authorized under this section, a group or blanket policy shall not
9 impose any restrictions or delays on the coverage required under this section.

10 (d) Benefits for an enrollee under this section shall be the same for an enrollee's covered
11 spouse or domestic partner and covered non-spouse dependents.

12 ~~(b)~~(e) Notwithstanding any other provision of this section, any health maintenance
13 corporation may issue to a religious employer an individual or group health insurance contract,
14 plan, or policy that excludes coverage for prescription contraceptive methods that are contrary to
15 the religious employer's bona fide religious tenets. The exclusion from coverage under this
16 provision shall not apply to contraceptive services or procedures provided for purposes other than
17 contraception, such as decreasing the risk of ovarian cancer or eliminating symptoms of
18 menopause.

19 ~~(c)~~(f) As used in this section, "religious employer" means an employer that is a "church or
20 a qualified church-controlled organization" as defined in 26 U.S.C. § 3121.

21 ~~(d)~~(g) Every religious employer that invokes the exemption provided under this section
22 shall provide written notice to prospective enrollees prior to enrollment with the plan, listing the
23 contraceptive healthcare services the employer refuses to cover for religious reasons.

24 ~~(e)~~(h) Beginning on the first day of each plan year after April 1, 2019, every health
25 insurance issuer offering group or individual health insurance coverage that covers prescription
26 contraception shall not restrict reimbursement for dispensing a covered prescription contraceptive
27 up to three hundred sixty-five (365) days at a time that may be furnished or dispensed all at once
28 or over the course of the twelve (12) month period at the discretion of the prescriber.

29 (i) Nothing in this section shall be construed to exclude coverage for contraceptive drugs,
30 devices, or products for reasons other than contraceptive purposes, such as decreasing the risk of
31 ovarian cancer or eliminating symptoms of menopause, or for contraception that is necessary to
32 preserve the life or health of an enrollee. A plan that violates this section is subject to penalties, in
33 accordance with § 27-41-21. The department may base its determinations on findings from onsite
34 surveys, enrollee or other complaints, financial status, or any other source.

1 (j) The department shall monitor plan compliance in accordance with this section and shall
2 adopt rules for the implementation of this section, including the following:

3 (1) In addition to any requirements under state administrative procedures, the department
4 shall engage in a stakeholder process prior to the adoption of rules that include health care service
5 plans, pharmacy benefit plans, consumer representatives, including those representing youth, low-
6 income people, and communities of color, and other interested parties. The department shall hold
7 stakeholder meetings for stakeholders of different types to ensure sufficient opportunity to consider
8 factors and processes relevant to contraceptive coverage. The department shall provide notice of
9 stakeholder meetings on the department's website, and stakeholder meetings shall be open to the
10 public.

11 (2) The department shall conduct random reviews of each plan and its subcontractors to
12 ensure compliance with this section.

13 (3) The department shall submit an annual report to the general assembly and any other
14 appropriate entity with its findings from the random compliance reviews detailed in this section
15 and any other compliance or implementation efforts. This report shall be made available to the
16 public on the department's website.

17 SECTION 5. Chapter 40-8 of the General Laws entitled "Medical Assistance" is hereby
18 amended by adding thereto the following section:

19 **40-8-33. F.D.A.-approved prescription contraceptive drugs and devices.**

20 (a) Every individual or group health insurance contract, plan, or policy issued pursuant to
21 this chapter that is delivered, issued for delivery, renewed, amended or effective in this state on or
22 after January 1, 2024 shall provide coverage for all of the following services and contraceptive
23 methods. Provided, that nothing in this subsection shall be deemed to mandate or require coverage
24 for the prescription drug RU 486.

25 (1) All FDA-approved contraceptive drugs, devices, and other products. The following
26 applies to this coverage:

27 (i) If there is a therapeutic equivalent of an FDA-approved contraceptive drug, device, or
28 product, the contract shall include either the original FDA-approved contraceptive drug device, or
29 product or at least one of its therapeutic equivalents. "Therapeutic equivalent" shall have the same
30 definition as that set forth by the FDA;

31 (ii) If the covered therapeutic equivalent versions of a drug, device, or product are not
32 available, or are not tolerated by the patient, or are deemed medically inadvisable, a group or
33 blanket policy shall provide coverage for an alternate therapeutic equivalent version of the
34 contraceptive drug, device, or product, based on the determination of the health care provider,

1 without cost-sharing;

2 (iii) A plan shall not require a prescription to trigger coverage of FDA-approved over-the-
3 counter contraceptive drugs, devices, and products, and shall provide point-of-sale coverage for
4 over-the-counter contraceptives at in-network pharmacies without cost-sharing or medical
5 management restrictions.

6 (2) Voluntary sterilization procedures;

7 (3) Clinical services related to the provision or use of contraception, including
8 consultations, examinations, procedures, device insertion, ultrasound, anesthesia, patient
9 education, referrals, and counseling; and

10 (4) Follow-up services related to the drugs, devices, products, and procedures covered
11 under this section, including, but not limited to, management of side effects, counseling for
12 continued adherence, and device insertion and removal.

13 (b) A group or blanket policy subject to this section shall not impose a deductible,
14 coinsurance, copayment or any other cost-sharing requirement on the coverage provided pursuant
15 to this section. For a qualifying high-deductible health plan for a health savings account, the carrier
16 shall establish the plan's cost-sharing for the coverage provided pursuant to this section at the
17 minimum level necessary to preserve the enrollee's ability to claim tax-exempt contributions and
18 withdrawals from his or her health savings account under 26 U.S.C. § 223. A health plan shall not
19 impose utilization control or other forms of medical management limiting the supply of FDA-
20 approved contraception that may be dispensed or furnished by a provider or pharmacist, or at a
21 location licensed or otherwise authorized to dispense drugs or supplies in an amount that is less
22 than a twelve (12) month supply, and shall not require an enrollee to make any formal request for
23 such coverage other than a pharmacy claim.

24 (c) Except as otherwise authorized under this section, a group or blanket policy shall not
25 impose any restrictions or delays on the coverage required under this section.

26 (d) Benefits for an enrollee under this section shall be the same for an enrollee's covered
27 spouse or domestic partner and covered non-spouse dependents.

28 (e) Notwithstanding any other provision of this section, any health maintenance
29 corporation may issue to a religious employer an individual or group health insurance contract,
30 plan, or policy that excludes coverage for prescription contraceptive methods that are contrary to
31 the religious employer's bona fide religious tenets. The exclusion from coverage under this
32 provision shall not apply to contraceptive services or procedures provided for purposes other than
33 contraception, such as decreasing the risk of ovarian cancer or eliminating symptoms of
34 menopause.

1 (f) As used in this section, "religious employer" means an employer that is a "church or a
2 qualified church-controlled organization" as defined in 26 U.S.C. § 3121.

3 (g) Every religious employer that invokes the exemption provided under this section shall
4 provide written notice to prospective enrollees prior to enrollment with the plan, listing the
5 contraceptive health care services the employer refuses to cover for religious reasons.

6 (h) Beginning on the first day of each plan year after April 1, 2023, every health insurance
7 issuer offering group or individual health insurance coverage that covers prescription contraception
8 shall not restrict reimbursement for dispensing a covered prescription contraceptive up to three
9 hundred sixty-five (365) days at a time that may be furnished or dispensed all at once or over the
10 course of the twelve (12) month period at the discretion of the prescriber.

11 (i) Nothing in this section shall be construed to exclude coverage for contraceptive drugs,
12 devices, or products for reasons other than contraceptive purposes, such as decreasing the risk of
13 ovarian cancer or eliminating symptoms of menopause, or for contraception that is necessary to
14 preserve the life or health of an enrollee. A plan that violates this section is subject to penalties, and
15 punished by a fine of not less than twenty dollars (\$20.00) nor more than fifty dollars (\$50.00). The
16 department may base its determinations on findings from onsite surveys, enrollee or other
17 complaints, financial status, or any other source.

18 (j) The department shall monitor plan compliance in accordance with this section and shall
19 adopt rules for the implementation of this section, including the following:

20 (1) In addition to any requirements under state administrative procedures, the department
21 shall engage in a stakeholder process prior to the adoption of rules that include health care service
22 plans, pharmacy benefit plans, consumer representatives, including those representing youth, low-
23 income people, and communities of color, and other interested parties. The department shall hold
24 stakeholder meetings for stakeholders of different types to ensure sufficient opportunity to consider
25 factors and processes relevant to contraceptive coverage. The department shall provide notice of
26 stakeholder meetings on the department's website, and stakeholder meetings shall be open to the
27 public.

28 (2) The department shall conduct random reviews of each plan and its subcontractors to
29 ensure compliance with this section.

30 (3) The department shall submit an annual report to the general assembly and any other
31 appropriate entity with its findings from the random compliance reviews detailed in this section
32 and any other compliance or implementation efforts. This report shall be made available to the
33 public on the department's website.

1 SECTION 6. This act shall take effect upon passage.

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LC001964
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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO INSURANCE -- ACCIDENT AND SICKNESS INSURANCE POLICIES

1 This act would require every individual or group health insurance contract effective on or
2 after January 1, 2024, to provide coverage to the insured and the insured's spouse and dependents
3 for all FDA-approved contraceptive drugs, devices and other products, voluntary sterilization
4 procedures, patient education and counseling on contraception and follow-up services as well as
5 Medicaid coverage for a twelve (12) month supply for Medicaid recipients.

6 This act would take effect upon passage.

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LC001964
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