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# A BILL FOR AN ACT

RELATING TO INSURANCE.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that insurance companies  
2 typically cover a thirty or ninety-day supply of prescription  
3 contraceptives. However, these coverage requirements may act as  
4 a barrier for women, especially those who live in rural areas,  
5 frequently travel, are unable to schedule regular visits to  
6 health care providers, or are unable to readily pick up their  
7 prescriptions. The legislature further finds that statewide  
8 efforts to expand women's access to prescription contraceptives,  
9 including long-acting reproductive contraceptives, have been  
10 shown to help decrease unplanned pregnancies.

11           The legislature additionally finds that Oregon recently  
12 enacted legislation to expand women's access to prescription  
13 contraception. Oregon's new law requires women to first obtain  
14 a three-month supply of prescription contraceptives then allows  
15 women to fill subsequent prescriptions for a year at a time.  
16 The legislature concludes that Hawaii should adopt similar  
17 legislation, which will increase access to prescription  
18 contraceptive supplies and decrease barriers regarding



1 reproductive health care. The legislature notes that the  
2 American Congress of Obstetricians and Gynecologists and the  
3 federal Centers for Disease Control and Prevention recommend  
4 prescribing or supplying up to one year of oral contraceptive  
5 supplies, based on a woman's preferences and anticipated use.

6 Accordingly, the purpose of this Act is to expand access to  
7 prescription contraceptives by requiring insurers to cover up to  
8 a twelve-month period of prescription contraceptive supplies for  
9 an insured.

10 The legislature notes that the reimbursement for  
11 prescription contraceptive supplies required under this Act is  
12 intended to apply to all insurers in the State, including health  
13 benefits plans under chapter 87A, Hawaii Revised Statutes, and  
14 medicaid managed care programs.

15 SECTION 2. Section 431:10A-116.6, Hawaii Revised Statutes,  
16 is amended to read as follows:

17 "**§431:10A-116.6 Contraceptive services.** (a)

18 Notwithstanding any provision of law to the contrary, each  
19 employer group accident and health or sickness policy, contract,  
20 plan, or agreement issued or renewed in this State on or after  
21 January 1, 2000, shall cease to exclude contraceptive services



1 or supplies for the subscriber or any dependent of the  
2 subscriber who is covered by the policy, subject to the  
3 exclusion under section 431:10A-116.7.

4 (b) Except as provided in subsection (c), all policies,  
5 contracts, plans, or agreements under subsection (a), that  
6 provide contraceptive services or supplies, or prescription drug  
7 coverage, shall not exclude any prescription contraceptive  
8 supplies or impose any unusual copayment, charge, or waiting  
9 requirement for such supplies.

10 (c) Coverage for oral contraceptives shall include at  
11 least one brand from the monophasic, multiphasic, and the  
12 progestin-only categories. A member shall receive coverage for  
13 any other oral contraceptive only if:

14 (1) Use of brands covered has resulted in an adverse drug  
15 reaction; or

16 (2) The member has not used the brands covered and, based  
17 on the member's past medical history, the prescribing  
18 health care provider believes that use of the brands  
19 covered would result in an adverse reaction.

20 (d) Coverage required by this section shall include  
21 reimbursement to a prescribing health care provider or



1 dispensing entity for contraceptive supplies intended to last  
2 for up to a twelve-month period of prescription contraceptive  
3 supplies for an insured.

4 ~~[(d)]~~ (e) For purposes of this section:

5 "Contraceptive services" means physician-delivered,  
6 physician-supervised, physician assistant-delivered, [nurse  
7 ~~practitioner-delivered,~~] advanced practice registered nurse-  
8 delivered, certified nurse midwife-delivered, nurse-delivered,  
9 or pharmacist-delivered medical services intended to promote the  
10 effective use of contraceptive supplies or devices to prevent  
11 unwanted pregnancy.

12 "Contraceptive supplies" means all United States Food and  
13 Drug Administration-approved contraceptive drugs or devices used  
14 to prevent unwanted pregnancy.

15 ~~[(e)]~~ (f) Nothing in this section shall be construed to  
16 extend the practice or privileges of any health care provider  
17 beyond that provided in the laws governing the provider's  
18 practice and privileges."

19 SECTION 3. Section 432:1-604.5, Hawaii Revised Statutes,  
20 is amended to read as follows:



1           "§432:1-604.5 Contraceptive services. (a)

2 Notwithstanding any provision of law to the contrary, each  
3 employer group health policy, contract, plan, or agreement  
4 issued or renewed in this State on or after January 1, 2000,  
5 shall cease to exclude contraceptive services or supplies, and  
6 contraceptive prescription drug coverage for the subscriber or  
7 any dependent of the subscriber who is covered by the policy,  
8 subject to the exclusion under section 431:10A-116.7.

9           (b) Except as provided in subsection (c), all policies,  
10 contracts, plans, or agreements under subsection (a), that  
11 provide contraceptive services or supplies, or prescription drug  
12 coverage, shall not exclude any prescription contraceptive  
13 supplies or impose any unusual copayment, charge, or waiting  
14 requirement for such drug or device.

15           (c) Coverage for contraceptives shall include at least one  
16 brand from the monophasic, multiphasic, and the progestin-only  
17 categories. A member shall receive coverage for any other oral  
18 contraceptive only if:

19           (1) Use of brands covered has resulted in an adverse drug  
20                reaction; or



1           (2) The member has not used the brands covered and, based  
2           on the member's past medical history, the prescribing  
3           health care provider believes that use of the brands  
4           covered would result in an adverse reaction.

5           (d) Coverage required by this section shall include  
6           reimbursement to a prescribing health care provider or  
7           dispensing entity for contraceptive supplies intended to last  
8           for up to a twelve-month period of prescription contraceptive  
9           supplies for a member.

10          ~~[(d)]~~ (e) For purposes of this section:

11          "Contraceptive services" means physician-delivered,  
12          physician-supervised, physician assistant-delivered, ~~[nurse~~  
13          ~~practitioner-delivered,~~ advanced practice registered nurse-  
14          delivered, certified nurse midwife-delivered, or nurse-delivered  
15          medical services intended to promote the effective use of  
16          contraceptive supplies or devices to prevent unwanted pregnancy.

17          "Contraceptive supplies" means all Food and Drug  
18          Administration-approved contraceptive drugs or devices used to  
19          prevent unwanted pregnancy.

20          ~~[(e)]~~ (f) Nothing in this section shall be construed to  
21          extend the practice or privileges of any health care provider



1 beyond that provided in the laws governing the provider's  
2 practice and privileges."

3 SECTION 4. Notwithstanding any other law to the contrary,  
4 the reimbursement for prescription contraceptive supplies  
5 required under sections 2 and 3 of this Act shall apply to all  
6 health benefits plans under chapter 87A, Hawaii Revised  
7 Statutes, issued, renewed, modified, altered, or amended on or  
8 after the effective date of this Act.

9 SECTION 5. The reimbursement for prescription  
10 contraceptive supplies required under sections 2 and 3 of this  
11 Act shall apply to all plans under medicaid managed care  
12 programs in the State.

13 SECTION 6. Statutory material to be repealed is bracketed  
14 and stricken. New statutory material is underscored.

15 SECTION 7. This Act shall take effect on July 1, 2016;  
16 provided that section 5 shall take effect upon approval of the  
17 Hawaii medicaid state plan by the Centers for Medicare and  
18 Medicaid Services.

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**Report Title:**

Insurance; Prescription Contraceptives; Contraceptive Supplies;  
Reimbursement

**Description:**

Requires all insurers in the State, including health benefits plans under chapter 87A, Hawaii Revised Statutes, and medicaid managed care programs, to cover reimbursement for contraceptive supplies intended to last for up to a twelve-month period for an insured. (SD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

