

SENATE BILL No. 835

February 20, 2018, Introduced by Senators HERTEL, WARREN, ANANICH, HOPGOOD, BIEDA, JOHNSON and YOUNG and referred to the Committee on Health Policy.

A bill to amend 1956 PA 218, entitled
"The insurance code of 1956,"
(MCL 500.100 to 500.8302) by adding section 3406u.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **SEC. 3406U. (1) A HEALTH INSURANCE POLICY DELIVERED, ISSUED**
2 **FOR DELIVERY, OR RENEWED IN THIS STATE THAT PROVIDES COVERAGE FOR**
3 **PRESCRIPTION DRUGS MUST INCLUDE COVERAGE FOR BOTH OF THE FOLLOWING:**

4 **(A) PRESCRIPTION CONTRACEPTIVES.**

5 **(B) IF COVERED FOR OTHER PRESCRIPTION DRUGS UNDER THE HEALTH**
6 **INSURANCE POLICY, OUTPATIENT CONSULTATIONS, EXAMINATIONS,**
7 **PROCEDURES, AND MEDICAL SERVICES THAT ARE NECESSARY TO PRESCRIBE,**
8 **DISPENSE, DELIVER, DISTRIBUTE, ADMINISTER, OR REMOVE A PRESCRIPTION**
9 **CONTRACEPTIVE.**

10 **(2) THE COVERAGE REQUIRED UNDER SUBSECTION (1) MUST PROVIDE**

1 COVERAGE FOR THE DISPENSING OF PRESCRIPTION CONTRACEPTIVES INTENDED
2 TO LAST FOR THE FOLLOWING TIME PERIODS:

3 (A) IF THE PRESCRIPTION CONTRACEPTIVE IS BEING DISPENSED FOR
4 THE FIRST TIME TO THE INSURED OR ENROLLEE, A 3-MONTH PERIOD.

5 (B) IF THE PRESCRIPTION CONTRACEPTIVE IS BEING DISPENSED A
6 SECOND OR SUBSEQUENT TIME TO THE INSURED OR ENROLLEE, A 12-MONTH
7 PERIOD REGARDLESS OF WHETHER THE INSURED OR ENROLLEE WAS COVERED
8 UNDER THE HEALTH INSURANCE POLICY AT THE TIME OF THE FIRST
9 DISPENSING.

10 (3) COVERAGE UNDER SUBSECTION (1) MAY BE SUBJECT TO PROVISIONS
11 OF THE HEALTH INSURANCE POLICY THAT APPLY EQUALLY TO OTHER
12 PRESCRIPTION DRUGS COVERED BY THE HEALTH INSURANCE POLICY,
13 INCLUDING, BUT NOT LIMITED TO, REQUIRED COPAYMENTS, DEDUCTIBLES,
14 AND COINSURANCE.

15 (4) THIS SECTION DOES NOT APPLY TO A RELIGIOUS EMPLOYER THAT
16 PROVIDES GROUP HEALTH COVERAGE TO ITS EMPLOYEES.

17 (5) AS USED IN THIS SECTION:

18 (A) "PRESCRIPTION CONTRACEPTIVE" MEANS A DRUG OR DEVICE THAT
19 REQUIRES A PRESCRIPTION AND IS APPROVED BY THE UNITED STATES FOOD
20 AND DRUG ADMINISTRATION TO PREVENT PREGNANCY.

21 (B) "RELIGIOUS EMPLOYER" MEANS AN EMPLOYER THAT MEETS ALL OF
22 THE FOLLOWING:

23 (i) THE EMPLOYER'S PURPOSE IS THE INCULCATION OF RELIGIOUS
24 VALUES.

25 (ii) THE EMPLOYER PRIMARILY EMPLOYS PERSONS WHO SHARE THE
26 RELIGIOUS TENETS OF THE EMPLOYER.

27 (iii) THE EMPLOYER PRIMARILY SERVES PERSONS WHO SHARE THE

1 RELIGIOUS TENETS OF THE EMPLOYER.

2 (iv) THE EMPLOYER IS A NONPROFIT ORGANIZATION THAT IS EXEMPT
3 FROM FILING UNDER SECTION 6033(A)(3)(A)(i) OR (iii) OF THE INTERNAL
4 REVENUE CODE OF 1986, 26 USC 6033.

5 Enacting section 1. This amendatory act applies to health
6 insurance policies delivered, executed, issued, amended, adjusted,
7 or renewed in this state, or outside of this state if covering
8 residents of this state, beginning 90 days after the date this
9 amendatory act is enacted into law.