

HOUSE BILL No. 1525

DIGEST OF INTRODUCED BILL

Citations Affected: IC 27-8-38.

Synopsis: Assigned insured plan for birth control coverage. Requires every health insurer, as a condition of doing business in Indiana, to participate in a plan under which health insurers will provide birth control coverage to eligible individuals who are covered under employee health plans that do not provide coverage for birth control drugs or devices intended to prevent the implantation of a fertilized egg in the uterus. Provides that the coverage provided under the plan will consist only of the birth control coverage not provided by the employee health plans. Requires the department of insurance to adopt rules to establish the plan. Provides that the rules must: (1) enable eligible individuals to apply for the birth control coverage by submitting their names and contact information to the department; (2) ensure that deductible and coinsurance provisions of the coverage do not shift more of the cost of the birth control drugs or devices to an eligible individual than is usual and customary; (3) provide that an eligible individual who applies for the coverage will be assigned to a health insurer; and (4) require a health insurer to which an eligible individual is assigned to provide birth control coverage to the eligible individual. Requires the insurance commissioner to regulate rates for the birth control coverage to ensure that the rates are not excessive, inadequate, or unfairly discriminatory.

Effective: July 1, 2021.

Campbell, Errington, Pfaff

January 14, 2021, read first time and referred to Committee on Financial Institutions and Insurance.



First Regular Session of the 122nd General Assembly (2021)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2020 Regular Session of the General Assembly.

HOUSE BILL No. 1525

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 27-8-38 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2021]:

4 **Chapter 38. Assigned Insured Plan for Birth Control Coverage**

5 **Sec. 1. As used in this chapter, "birth control coverage" means**
6 **coverage that:**

7 (1) **supplements the employee health plan provided by an**
8 **employer that declines to provide coverage for birth control**
9 **drugs or devices intended to prevent the implantation of a**
10 **fertilized egg in the uterus; and**

11 (2) **consists only of the coverage described in subdivision (1)**
12 **that the employer declines to provide.**

13 **Sec. 2. As used in this chapter, "eligible individual" means an**
14 **individual who:**

15 (1) **is an insured individual; and**
16 (2) **is covered under an employee health plan described in**
17 **section 1 of this chapter.**



1 **Sec. 3.** As used in this chapter, "employee health plan" means
2 a system of health coverage provided by an employer to employees
3 through a group health insurance policy, a health maintenance
4 organization, an employer self-funded health plan, or any other
5 means.

6 **Sec. 4.** As used in this chapter, "health insurer" means an
7 insurer doing business in Indiana by providing any policy or
8 contract covering one (1) or more of the kinds of insurance
9 described in Class 1(b) or 2(a) of IC 27-1-5-1.

10 **Sec. 5.** As used in this chapter, "insured individual" means an
11 individual who is entitled to coverage under an employee health
12 plan, including an individual who is not an employee but is covered
13 by the employee health plan through the individual's relationship
14 to an employee.

15 **Sec. 6. (a)** After December 31, 2021, every health insurer, as a
16 condition of doing business in Indiana, must participate in an
17 assigned insured plan under which health insurers will provide
18 birth control coverage to eligible individuals.

19 **(b)** The department shall adopt rules under IC 4-22-2 to
20 establish the assigned insured plan for birth control coverage. The
21 rules adopted under this subsection must do the following:

22 **(1)** Enable eligible individuals to apply for the birth control
23 coverage by submitting their names and contact information
24 to the department.

25 **(2)** Provide a policy form for policies to be issued by health
26 insurers participating in the assigned insured plan.

27 **(3)** Allow birth control coverage to be provided to eligible
28 individuals on an individual basis or a group basis.

29 **(4)** Ensure that deductible and coinsurance provisions of the
30 policy form do not shift to an eligible individual more of the
31 cost of the birth control drugs or devices described in section
32 1(1) of this chapter than is usual and customary under
33 insurance policies in general use in Indiana providing the
34 same type of coverage.

35 **(5)** Provide for an eligible individual who applies for birth
36 control coverage to be assigned by the department to a health
37 insurer.

38 **(6)** Require a health insurer to which an eligible individual is
39 assigned to provide birth control coverage to the eligible
40 individual.

41 **(7)** Establish a system for assigning eligible individuals to
42 health insurers so that the percentage of all eligible



1 **individuals assigned to a particular health insurer will be**
2 **approximately equal to the percentage of all Indiana residents**
3 **covered by health insurance policies who are covered by**
4 **health insurance policies issued by the health insurer.**

5 **Sec. 7. The insurance commissioner shall regulate insurance**
6 **rates for birth control coverage provided under this chapter to**
7 **ensure that they are not excessive, inadequate, or unfairly**
8 **discriminatory.**

