

# SENATE BILL 744

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CF HB 780

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By: **Senators Kelley, Astle, Benson, Conway, Feldman, Ferguson, Guzzone, Kagan, Klausmeier, Lee, Madaleno, Manno, Middleton, Oaks, Pinsky, Ramirez, Robinson, Smith, Young, and Zucker**

Introduced and read first time: February 5, 2018

Assigned to: Finance

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## A BILL ENTITLED

1 AN ACT concerning

2 **Insurance – Contraceptive Coverage – Consumer Information**

3 FOR the purpose of requiring a certain entity that provides certain coverage for certain  
4 contraceptive drugs and devices under certain health insurance policies or contracts  
5 to develop a contraceptive coverage information document for certain plans;  
6 requiring that the contraceptive coverage document include certain information;  
7 requiring a certain entity to make the contraceptive coverage information document  
8 available to certain consumers on certain websites and as part of certain information  
9 filed with the Maryland Insurance Commissioner; and generally relating to  
10 contraceptive coverage and consumer information.

11 BY repealing and reenacting, with amendments,  
12 Article – Insurance  
13 Section 15–826  
14 Annotated Code of Maryland  
15 (2017 Replacement Volume)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
17 That the Laws of Maryland read as follows:

18 **Article – Insurance**

19 15–826.

20 (a) This section applies to:

21 (1) insurers and nonprofit health service plans that provide coverage for  
22 prescription drugs under health insurance policies or contracts that are issued or delivered  
23 in the State; and

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) health maintenance organizations that provide coverage for  
2 prescription drugs under contracts that are issued or delivered in the State.

3 (b) An entity subject to this section:

4 (1) shall provide coverage for any contraceptive drug or device that is  
5 approved by the United States Food and Drug Administration for use as a contraceptive  
6 and that is obtained under a prescription written by an authorized prescriber as defined in  
7 § 12–101 of the Health Occupations Article;

8 (2) shall provide coverage for the insertion or removal, and any medically  
9 necessary examination associated with the use, of such contraceptive drug or device; and

10 (3) may not impose a different copayment or coinsurance for a  
11 contraceptive drug or device than is imposed for any other prescription.

12 (c) (1) A religious organization may request and an entity subject to this  
13 section shall grant the request for an exclusion from coverage under the policy, plan, or  
14 contract for the coverage required under subsection (b) of this section if the required  
15 coverage conflicts with the religious organization's bona fide religious beliefs and practices.

16 (2) A religious organization that obtains an exclusion under paragraph (1)  
17 of this subsection shall provide its employees reasonable and timely notice of the exclusion.

18 **(D) AN ENTITY SUBJECT TO THIS SECTION SHALL:**

19 **(1) DEVELOP A CONTRACEPTIVE COVERAGE INFORMATION**  
20 **DOCUMENT FOR EACH OF ITS PLANS THAT INCLUDES:**

21 **(I) ALL BRAND NAME AND GENERIC CONTRACEPTIVE DRUGS**  
22 **COVERED BY THE PLAN;**

23 **(II) ALL BRAND NAME AND GENERIC CONTRACEPTIVE DEVICES**  
24 **COVERED BY THE PLAN;**

25 **(III) ALL SURGICAL CONTRACEPTIVE METHODS COVERED BY**  
26 **THE PLAN;**

27 **(IV) ALL COST-SHARING REQUIREMENTS FOR EACH**  
28 **CONTRACEPTIVE DRUG OR DEVICE AND RELATED HEALTH CARE VISITS COVERED BY**  
29 **THE PLAN; AND**

30 **(V) ANY MEDICAL MANAGEMENT OR UTILIZATION REVIEW**  
31 **REQUIREMENTS INCLUDING FREQUENCY OF COVERAGE LIMITATIONS AND**

1 **PREAUTHORIZATION REQUIREMENTS FOR EACH CONTRACEPTIVE DRUG OR DEVICE**  
2 **COVERED BY THE PLAN; AND**

3 **(2) MAKE EACH CONTRACEPTIVE COVERAGE INFORMATION**  
4 **DOCUMENT DEVELOPED IN ACCORDANCE WITH ITEM (1) OF THIS SUBSECTION**  
5 **AVAILABLE:**

6 **(I) ON ITS PUBLIC WEBSITE FOR CONSUMERS WHO ARE**  
7 **CONSIDERING PLANS IN WHICH TO ENROLL;**

8 **(II) ON ITS WEBSITE FOR CONSUMERS WHO ARE ENROLLED IN A**  
9 **PLAN AND WHO LOG ONTO THE WEBSITE AS A MEMBER; AND**

10 **(III) AS PART OF THE INFORMATION FILED WITH THE**  
11 **COMMISSIONER FOR APPROVAL OF A PREMIUM RATE OR PREMIUM RATE CHANGE**  
12 **AS REQUIRED UNDER § 11-603 OF THIS ARTICLE.**

13 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**  
14 **October 1, 2018.**