

By Senator Detert

23-00565-12

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1 A bill to be entitled
 2 An act relating to contraception; creating ss.
 3 627.64194, 627.6614, and 641.3112, F.S.; providing
 4 definitions; requiring that health insurers and health
 5 maintenance organizations provide health insurance
 6 coverage for prescription contraceptive drugs and
 7 devices approved by the Food and Drug Administration
 8 and other related outpatient contraceptive services;
 9 prohibiting a health insurance policy or health
 10 maintenance contract from imposing an unusual
 11 copayment, coinsurance requirement, deductible, or
 12 waiting requirement for obtaining prescription
 13 contraceptive drugs or devices or certain outpatient
 14 contraceptive services; authorizing a religious
 15 employer to request, and requiring a health insurance
 16 policy or health maintenance contract to grant, an
 17 exclusion from coverage under the policy or contract
 18 for coverage for prescription contraceptive drugs or
 19 devices or certain outpatient contraceptive services
 20 under certain conditions; providing for application of
 21 the act; providing an effective date.

22
 23 Be It Enacted by the Legislature of the State of Florida:

24
 25 Section 1. Section 627.64194, Florida Statutes, is created
 26 to read:

27 627.64194 Coverage for certain contraceptives.-

28 (1) As used in this section, the term:

29 (a) "Outpatient prescription drug" means a drug that is

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30 dispensed only upon prescription and that is dispensed by a
31 pharmacist.

32 (b) "Prescription contraceptive drug" or "prescription
33 contraceptive device" means a drug, barrier, or device that is
34 used to prevent pregnancy and must be prescribed by a health
35 care provider who is licensed in this state to prescribe drugs.

36 (2) (a) Notwithstanding any other provision of law, an
37 accident or health insurance policy issued, amended, delivered,
38 or renewed in this state which provides coverage for outpatient
39 prescription drugs, must provide coverage, under terms and
40 conditions applicable to other benefits, for prescription
41 contraceptive drugs and devices approved by the Food and Drug
42 Administration and for outpatient contraceptive services,
43 including, but not limited to, the insertion and removal and
44 medically necessary examinations associated with the use of such
45 contraceptive drugs or devices, consultations, procedures, and
46 medical services related to the use of contraceptive methods to
47 prevent unplanned pregnancy.

48 (b) The accident or health insurance policy that provides
49 coverage for outpatient prescription drugs may not impose an
50 unusual copayment, coinsurance requirement, deductible, or
51 waiting requirement for obtaining:

52 1. The prescription contraceptive drug or device; or
53 2. The outpatient contraceptive services unless such
54 additional cost sharing is imposed for access to health care
55 practitioners for other types of health care services.

56 (3) A religious employer may request, and an accident or
57 health insurance policy subject to this section must grant, an
58 exclusion from coverage under the policy for the coverage

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59 required under subsection (2) if the required coverage conflicts
60 with the religious organization's bona fide religious beliefs
61 and practices. A religious employer that obtains an exclusion
62 under this subsection shall provide its employees reasonable and
63 timely notice of the exclusion.

64 Section 2. Section 627.6614, Florida Statutes, is created
65 to read:

66 627.6614 Coverage for certain contraceptives.-

67 (1) As used in this section, the term:

68 (a) "Outpatient prescription drug" means a drug that is
69 dispensed only upon prescription and that is dispensed by a
70 pharmacist.

71 (b) "Prescription contraceptive drug" or "prescription
72 contraceptive device" means a drug, barrier, or device that is
73 used to prevent pregnancy and must be prescribed by a health
74 care provider who is licensed in this state to prescribe drugs.

75 (2) (a) Notwithstanding any other provision of law, a group,
76 blanket, or franchise, accident, or health insurance policy
77 issued, amended, delivered, or renewed in this state which
78 provides coverage for outpatient prescription drugs must provide
79 coverage, under terms and conditions applicable to other
80 benefits, for prescription contraceptive drugs and devices
81 approved by the Food and Drug Administration and for outpatient
82 contraceptive services, including, but not limited to, the
83 insertion and removal and medically necessary examinations
84 associated with the use of such contraceptive drug or device,
85 consultations, procedures, and medical services related to the
86 use of contraceptive methods to prevent unplanned pregnancy.

87 (b) The group, blanket, or franchise, accident, or health

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88 insurance policy that provides coverage for outpatient
89 prescription drugs may not impose an unusual copayment,
90 coinsurance requirement, deductible, or waiting requirement for
91 obtaining:

92 1. The prescription contraceptive drug or device; or

93 2. The outpatient contraceptive services unless such
94 additional cost sharing is imposed for access to health care
95 practitioners for other types of health care services.

96 (3) A religious employer may request, and a group, blanket,
97 or franchise, accident, or health insurance policy subject to
98 this section must grant, an exclusion from coverage under the
99 policy for the coverage required under subsection (2) if the
100 required coverage conflicts with the religious organization's
101 bona fide religious beliefs and practices. A religious employer
102 that obtains an exclusion under this subsection shall provide
103 its employees reasonable and timely notice of the exclusion.

104 Section 3. Section 641.3112, Florida Statutes, is created
105 to read:

106 641.3112 Coverage for certain contraceptives.—

107 (1) As used in this section, the term:

108 (a) "Outpatient prescription drug" means a drug that is
109 dispensed only upon prescription and that is dispensed by a
110 pharmacist.

111 (b) "Prescription contraceptive drug" or "prescription
112 contraceptive device" means a drug, barrier, or device that is
113 used to prevent pregnancy and must be prescribed by a health
114 care provider who is licensed in this state to prescribe drugs.

115 (2) (a) Notwithstanding any other provision of law, a health
116 maintenance contract issued, amended, delivered, or renewed in

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117 this state which provides coverage for outpatient prescription
118 drugs, must provide coverage, under terms and conditions
119 applicable to other benefits, for prescription contraceptive
120 drugs and devices approved by the Food and Drug Administration
121 and for outpatient contraceptive services, including, but not
122 limited to, the insertion and removal and medically necessary
123 examinations associated with the use of such contraceptive drug
124 or device, consultations, procedures, and medical services
125 related to the use of contraceptive methods to prevent unplanned
126 pregnancy.

127 (b) The health maintenance contract that provides coverage
128 for outpatient prescription drugs may not impose an unusual
129 copayment, coinsurance requirement, deductible, or waiting
130 requirement for:

131 1. The prescription contraceptive drug or device; or
132 2. The outpatient contraceptive services unless such
133 additional cost sharing is imposed for access to health care
134 practitioners for other types of health care services.

135 (3) A religious employer may request, and a health
136 maintenance contract subject to this section must grant, an
137 exclusion from coverage under the contract for the coverage
138 required under subsection (2) if the required coverage conflicts
139 with the religious organization's bona fide religious beliefs
140 and practices. A religious employer that obtains an exclusion
141 under this subsection shall provide its employees reasonable and
142 timely notice of the exclusion.

143 Section 4. This act shall take effect July 1, 2012, and
144 applies only to contracts and policies issued or renewed on or
145 after that date.