

Senate Bill 460

By: Senators McKoon of the 29th, Shafer of the 48th and Ligon, Jr. of the 3rd

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 24 of Title 33 of the Official Code of Georgia Annotated, relating
2 generally to insurance, so as to provide a religious exception for the requirement that every
3 health benefit policy in this state provide coverage for contraceptives; to provide for related
4 matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Chapter 24 of Title 33 of the Official Code of Georgia Annotated, relating generally to
8 insurance, is amended by revising subsection (e) of Code Section 33-24-59.6, relating to
9 prescribed female contraceptive drugs or devices insurance coverage, as follows:

10 "33-24-59.6.

11 (a) The General Assembly finds and declares that:

12 (1) Maternal and infant health are greatly improved when women have access to
13 contraceptive supplies to prevent unintended pregnancies;

14 (2) Because many Americans hope to complete their families with two or three children,
15 many women spend the majority of their reproductive lives trying to prevent pregnancy;

16 (3) Research has shown that 49 percent of all large group insurance plans do not
17 routinely provide coverage for contraceptive drugs and devices. While virtually all health
18 care plans cover prescription drugs generally, the absence of prescription contraceptive
19 coverage is largely responsible for the fact that women spend 68 percent more in
20 out-of-pocket expenses for health care than men; and

21 (4) Requiring insurance coverage for prescription drugs and devices for contraception
22 is in the public interest in improving the health of mothers, children, and families and in
23 providing for health insurance coverage which is fairer and more equitable.

24 (b) As used in this Code section, the term:

25 (1) 'Health benefit policy' means any individual or group plan, policy, or contract for
 26 health care services issued, delivered, issued for delivery, or renewed in this state,
 27 including those contracts executed by the State of Georgia on behalf of state employees
 28 under Article 1 of Chapter 18 of Title 45, by a health care corporation, health
 29 maintenance organization, preferred provider organization, accident and sickness insurer,
 30 fraternal benefit society, hospital service corporation, medical service corporation,
 31 provider sponsored health care corporation, or other insurer or similar entity.

32 (2) 'Insurer' means an accident and sickness insurer, fraternal benefit society, hospital
 33 service corporation, medical service corporation, health care corporation, health
 34 maintenance organization, or any similar entity authorized to issue contracts under this
 35 title.

36 (3) 'Religious employer' means an entity that:

37 (A) Is organized and operated for religious purposes and has received a 501(c)(3)
 38 designation from the Internal Revenue Service;

39 (B) Has as one of its primary purposes the inculcation of religious values; and

40 (C) Employs primarily persons who share its religious tenets.

41 (c) Every health benefit policy that is delivered, issued, executed, or renewed in this state
 42 or approved for issuance or renewal in this state by the Commissioner on or after July 1,
 43 1999, which provides coverage for prescription drugs on an outpatient basis shall provide
 44 coverage for any prescribed drug or device approved by the United States Food and Drug
 45 Administration for use as a contraceptive. This Code section shall not apply to limited
 46 benefit policies described in paragraph (4) of subsection (e) of Code Section 33-30-12.
 47 Likewise, nothing contained in this Code section shall be construed to require any
 48 insurance company to provide coverage for abortion.

49 (d) No insurer shall impose upon any person receiving prescription contraceptive benefits
 50 pursuant to this Code section any:

51 (1) Copayment, coinsurance payment, or fee that is not equally imposed upon all
 52 individuals in the same benefit category, class, coinsurance level or copayment level,
 53 receiving benefits for prescription drugs; or

54 (2) Reduction in allowable reimbursement for prescription drug benefits.

55 (e) This Code section shall not be construed to:

56 (1) Require coverage for prescription coverage benefits in any contract, policy, or plan
 57 that does not otherwise provide coverage for prescription drugs; ~~or~~

58 (2) Preclude the use of closed formularies; provided, however, that such formularies
 59 shall include oral, implant, and injectable contraceptive drugs, intrauterine devices, and
 60 prescription barrier methods; or

61 (3) Require any religious employer to comply with this Code section."

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SECTION 2.

63 All laws and parts of laws in conflict with this Act are repealed.