

HOUSE BILL No. 1183

DIGEST OF INTRODUCED BILL

Citations Affected: IC 27-8-35.

Synopsis: Contraceptives. Requires an insurer that issues a policy of accident and sickness insurance in Indiana to make available coverage for contraception without out-of-pocket costs to women otherwise covered by health plans sponsored by employers or institutions of higher education that are objecting organizations and do not invoke an optional accommodation under federal law. Requires federal or state fund payment to an insurer for out-of-pocket costs that would otherwise apply to the coverage.

Effective: July 1, 2018.

DeLaney

January 8, 2018, read first time and referred to Committee on Insurance.



Second Regular Session of the 120th General Assembly (2018)

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 2017 Regular Session of the General Assembly.

HOUSE BILL No. 1183

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 27-8-35 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2018]:

4 **Chapter 35. Contraception Coverage**

5 **Sec. 1. As used in this chapter, "contraception" means a**
6 **contraceptive method, a sterilization procedure, and related**
7 **education and counseling that is approved by the federal Food and**
8 **Drug Administration for women with reproductive capacity. The**
9 **term does not include abortion.**

10 **Sec. 2. As used in this chapter, "health plan" means any of the**
11 **following that provides coverage for health care services on a**
12 **group basis:**

13 (1) **A policy of accident and sickness insurance (as defined in**
14 **IC 27-8-5-1).**

15 (2) **A contract with a health maintenance organization (as**
16 **defined in IC 27-13-1-19).**

17 **Sec. 3. As used in this chapter, "policy of accident and sickness**



1 insurance" has the meaning set forth in IC 27-8-5-1.

2 **Sec. 4. An insurer that issues a policy of accident and sickness**
 3 **insurance in Indiana shall make available coverage for**
 4 **contraception:**

5 (1) for a woman who is covered under a health plan that is
 6 established or maintained by a plan sponsor that:

7 (A) is a nongovernmental employer or institution of higher
 8 education that is an objecting organization under 45 CFR
 9 147.132 or 45 CFR 147.133 (as published in the Federal
 10 Register at 82 FR 47861 on October 13, 2017); and

11 (B) does not invoke an optional accommodation under 45
 12 CFR 147.131 (as published in the Federal Register at 82
 13 FR 47833 on October 13, 2017, and amended at 82 FR
 14 47861, October 13, 2017); and

15 (2) without any applicable copayment, coinsurance,
 16 deductible, or other out-of-pocket cost.

17 **Sec. 5. A plan sponsor described in section 4(1) of this chapter**
 18 **shall provide to an individual who is or will be covered under a**
 19 **health plan described in section 4(1) of this chapter written notice**
 20 **specifying the contraception for which coverage is not provided**
 21 **under the health plan on the later of the following:**

22 (1) The date on which the plan sponsor objects, as described
 23 in 45 CFR 147.132(a)(2) (as published in the Federal Register
 24 at 82 FR 47835 on October 13, 2017) or 45 CFR 147.133(a)(2)
 25 (as published in the Federal Register at 82 FR 47861 on
 26 October 13, 2017).

27 (2) The date on which the individual applies for coverage
 28 under the health plan.

29 (3) July 1, 2018.

30 **Sec. 6. An insurer described in section 4 of this chapter must be**
 31 **reimbursed for any out-of-pocket costs that would otherwise apply**
 32 **to the coverage required by section 4 of this chapter by:**

33 (1) funding available from the federal government; and

34 (2) to the extent funding is not available from the federal
 35 government, the state general fund.

