

By Senator Detert

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1                   A bill to be entitled  
2           An act relating to contraception; creating ss.  
3           627.64194, 627.6614, and 641.31099, 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:

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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 641.31099, Florida Statutes, is created  
105 to read:

106 641.31099 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, 2011, and  
144 applies only to contracts and policies issued or renewed on or  
145 after that date.