

By Senator Grimsley

21-01003-16

20161048__

1 A bill to be entitled
2 An act relating to prescription contraceptive
3 coverage; amending s. 409.973, F.S.; requiring a
4 managed care plan to provide payment, coverage, or
5 reimbursement for prescription contraceptives and
6 certain related services; specifying conditions for
7 such coverage; defining the term "prescription
8 contraceptive"; creating ss. 627.6413 and 641.31087,
9 F.S.; requiring insurers and health maintenance
10 organizations, respectively, to provide coverage for
11 prescription contraceptives and certain related
12 services; specifying conditions for such coverage;
13 defining the term "prescription contraceptive";
14 providing an exception to the requirement of
15 prescription contraceptive coverage for faith-based
16 employers; defining the term "faith-based employer";
17 providing an effective date.

18
19 Be It Enacted by the Legislature of the State of Florida:

20
21 Section 1. Subsection (5) is added to section 409.973,
22 Florida Statutes, to read:

23 409.973 Benefits.—

24 (5) PRESCRIPTION CONTRACEPTIVES.—

25 (a) A prescription drug benefit program or a prescription
26 drug benefit offered pursuant to this section under a managed
27 care plan must provide payment, coverage, or reimbursement for:

28 1. Prescription contraceptives; and

29 2. If covered in association with other prescription drug

21-01003-16

20161048__

30 benefits under the program or plan, outpatient consultations,
31 examinations, procedures, and medical services that are
32 necessary to prescribe, dispense, deliver, distribute,
33 administer, or remove a prescription contraceptive.

34 (b) The coverage required by paragraph (a):

35 1. May be subject to the same requirements that apply to
36 coverage offered by the program or plan for other prescription
37 drugs, including, but not limited to, copayments, deductibles,
38 and coinsurance; and

39 2. Must reimburse a health care provider or dispensing
40 entity for the dispensing of contraceptives intended to last:

41 a. Three months the first time a contraceptive is dispensed
42 to an enrollee; and

43 b. Twelve months each subsequent time the same
44 contraceptive is dispensed to an enrollee, regardless of whether
45 the enrollee was enrolled in the program or plan the first time
46 the contraceptive was dispensed to such enrollee.

47 (c) As used in this subsection, the term "prescription
48 contraceptive" means a drug or device that requires a
49 prescription and is approved by the United States Food and Drug
50 Administration to prevent pregnancy.

51 Section 2. Section 627.6413, Florida Statutes, is created
52 to read:

53 627.6413 Coverage for prescription contraceptives.—

54 (1) A health insurance policy that provides a prescription
55 drug benefit program or a prescription drug benefit must provide
56 coverage for:

57 (a) Prescription contraceptives; and

58 (b) If covered in association with other prescription drug

21-01003-16

20161048__

59 benefits under the program or policy, outpatient consultations,
60 examinations, procedures, and medical services that are
61 necessary to prescribe, dispense, deliver, distribute,
62 administer, or remove a prescription contraceptive.

63 (2) The coverage required by subsection (1):

64 (a) May be subject to the same requirements that apply to
65 coverage offered by the program or policy for other prescription
66 drugs, including, but not limited to, copayments, deductibles,
67 and coinsurance; and

68 (b) Must reimburse a health care provider or dispensing
69 entity for the dispensing of contraceptives intended to last:

70 1. Three months the first time a contraceptive is dispensed
71 to an insured; and

72 2. Twelve months each subsequent time the same
73 contraceptive is dispensed to an insured, regardless of whether
74 the insured was enrolled in the program or policy the first time
75 the contraceptive was dispensed to such insured.

76 (3) As used in this section, the term "prescription
77 contraceptive" means a drug or device that requires a
78 prescription and is approved by the United States Food and Drug
79 Administration to prevent pregnancy.

80 (4) A health insurance policy offered by a faith-based
81 employer to its employees is exempt from the requirements of
82 this section. As used in this subsection, the term "faith-based
83 employer" means an employer:

84 (a) Whose purpose is the inculcation of religious values;

85 (b) That primarily employs persons who share the religious
86 tenets of the employer;

87 (c) That primarily serves persons who share the religious

21-01003-16

20161048__

88 tenets of the employer; and

89 (d) That is a nonprofit organization under s.
90 6033(a)(3)(A)(i) or (iii) of the Internal Revenue Code.

91 Section 3. Section 641.31087, Florida Statutes, is created
92 to read:

93 641.31087 Coverage for prescription contraceptives.—

94 (1) A health maintenance contract that provides a
95 prescription drug benefit program or a prescription drug benefit
96 must provide coverage for:

97 (a) Prescription contraceptives; and

98 (b) If covered in association with other prescription drug
99 benefits under the program or contract, outpatient
100 consultations, examinations, procedures, and medical services
101 that are necessary to prescribe, dispense, deliver, distribute,
102 administer, or remove a prescription contraceptive.

103 (2) The coverage required by subsection (1):

104 (a) May be subject to the same requirements that apply to
105 coverage offered by the program or contract for other
106 prescription drugs, including, but not limited to, copayments,
107 deductibles, and coinsurance; and

108 (b) Must reimburse a health care provider or dispensing
109 entity for the dispensing of contraceptives intended to last:

110 1. Three months the first time a contraceptive is dispensed
111 to a subscriber; and

112 2. Twelve months each subsequent time the same
113 contraceptive is dispensed to a subscriber, regardless of
114 whether the subscriber was enrolled in the program or contract
115 the first time the contraceptive was dispensed to such
116 subscriber.

21-01003-16

20161048__

117 (3) As used in this section, the term "prescription
118 contraceptive" means a drug or device that requires a
119 prescription and is approved by the United States Food and Drug
120 Administration to prevent pregnancy.

121 (4) A health maintenance contract offered by a faith-based
122 employer to its employees is exempt from the requirements of
123 this section. As used in this subsection, the term "faith-based
124 employer" means an employer:

125 (a) Whose purpose is the inculcation of religious values;

126 (b) That primarily employs persons who share the religious
127 tenets of the employer;

128 (c) That primarily serves persons who share the religious
129 tenets of the employer; and

130 (d) That is a nonprofit organization under s.

131 6033(a)(3)(A)(i) or (iii) of the Internal Revenue Code.

132 Section 4. This act shall take effect July 1, 2016.