

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 2217 of the Regular Session

As Engrossed: H3/28/05 H3/31/05 S4/6/05

A Bill

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005

HOUSE BILL 2618

4
5 By: Representatives L. Smith, Adcock, Blount, Chesterfield, Edwards, Elliott, Flowers, J. Johnson, W.
6 Lewellen, Pyle, Schulte, Walters
7 By: Senator Madison

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10 **For An Act To Be Entitled**

11 AN ACT TO CREATE THE EQUITY IN PRESCRIPTION
12 INSURANCE AND CONTRACEPTIVE COVERAGE ACT.

13
14 **Subtitle**

15 THE EQUITY IN PRESCRIPTION INSURANCE AND
16 CONTRACEPTIVE COVERAGE ACT.

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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

20
21 SECTION 1. Arkansas Code Title 23, Chapter 79 is amended to add an
22 additional subchapter to read as follows:

23 23-79-1101. Title.

24 This act shall be known and may be cited as the "Equity in Prescription
25 Insurance and Contraceptive Coverage Act".

26
27 23-79-1102. Definitions.

28 As used in this subchapter:

29 (1)(A) "Health benefit policy" means an individual or group
30 plan, policy, or contract for health care services issued, delivered, issued
31 for delivery, or renewed in this state, including those contracts executed by
32 the State of Arkansas on behalf of state employees, by a health care
33 corporation, health maintenance organization, preferred provider
34 organization, accident and sickness insurer, fraternal benefit society,
35 hospital service corporation, medical service corporation, provider-sponsored



1 health care corporation, or other insurer or similar entity.

2 (B) "Health benefit policy" does not include:

3 (i) Accident-only, credit, specified disease,
4 dental, hospital indemnity, Medicare supplement, long-term care, or
5 disability income insurance policies;

6 (ii) Coverage issued as a supplement to liability
7 insurance;

8 (iii) Workers' compensation or similar insurance; or

9 (iv) Automobile medical-payment insurance;

10 (2) "Insurer" means an accident and sickness insurer, fraternal
11 benefit society, hospital service corporation, medical service corporation,
12 health care corporation, health maintenance organization, or any similar
13 entity authorized to issue contracts under Title 23; and

14 (3) "Religious employer" means an entity:

15 (A) That is organized and operated for religious purposes
16 and has received a § 501(c)(3) designation from the Internal Revenue Service;

17 (B) That has as one (1) of its primary purposes the
18 inculcation of religious values; and

19 (C) That employs primarily persons who share its religious
20 tenets.

21
22 23-79-1103. Parity for contraceptives.

23 (a) Every health benefit policy that is delivered, issued, executed,
24 or renewed in this state or approved for issuance or renewal in this state by
25 the Insurance Commissioner on or after the effective date of this subchapter
26 that provides coverage for prescription drugs on an outpatient basis shall
27 provide coverage for prescribed drugs or devices approved by the United
28 States Food and Drug Administration for use as a contraceptive.

29 (b) Nothing contained in this subchapter shall be construed to require
30 any insurance company to provide coverage for an abortion, an abortifacient,
31 or any United States Food and Drug Administration-approved emergency
32 contraception.

33
34 23-79-1104. Extraordinary surcharges prohibited.

35 (a) No insurer shall impose upon any person receiving prescription
36 contraceptive benefits pursuant to this subchapter any:

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

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

6 (b) This subchapter shall not be construed to:

7 (1) Require coverage for prescription coverage benefits in any
8 contract, policy, or plan that does not otherwise provide coverage for
9 prescription drugs;

10 (2)(A) Preclude the use of closed formularies.

11 (B) However, the formularies shall include oral, implant,
12 and injectable contraceptive drugs, intrauterine devices, and prescription
13 barrier methods; or

14 (3) Require any religious employer to comply with this
15 subchapter.

16 /s/ L. Smith

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19 APPROVED: 4/13/2005
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