

ASSEMBLY, No. 5508

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED JUNE 6, 2019

Sponsored by:

Assemblyman ANDREW ZWICKER

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

Assemblywoman CAROL A. MURPHY

District 7 (Burlington)

Assemblywoman SHAVONDA E. SUMTER

District 35 (Bergen and Passaic)

Co-Sponsored by:

Assemblywomen Vainieri Huttie and Lampitt

SYNOPSIS

Revises law requiring health benefits coverage for certain contraceptives.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/11/2019)

1 AN ACT concerning health benefits coverage for contraceptives and
2 amending P.L.2005, c.251.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. Section 1 of P.L.2005, c.251 (C.17:48-6ee) is amended to
8 read as follows:

9 1. a. A hospital service corporation that provides hospital or
10 medical expense benefits for expenses incurred in the purchase of
11 outpatient prescription drugs under a contract shall provide
12 coverage under every such contract delivered, issued, executed or
13 renewed in this State or approved for issuance or renewal in this
14 State by the Commissioner of Banking and Insurance, on or after
15 the effective date of this act, for expenses incurred in the purchase
16 of prescription female contraceptives. For the purposes of this
17 section, "prescription female contraceptives" means any drug or
18 device used for contraception by a female, which is approved by the
19 federal Food and Drug Administration for that purpose, that can
20 **【only】** be purchased in this State with a prescription written by a
21 health care professional licensed or authorized to write
22 prescriptions, and includes, but is not limited to, birth control pills
23 and diaphragms. The coverage provided shall include prescriptions
24 for dispensing contraceptives for:

25 **【a.】** (1) a three-month period for the first dispensing of the
26 contraceptive; and

27 **【b.】** (2) a six-month period for any subsequent dispensing of
28 the same contraceptive, regardless of whether coverage under the
29 contract was in effect at the time of the first dispensing, except that
30 an entity subject to this section may provide coverage for a supply
31 of contraceptives that is for less than a six-month period, if a six-
32 month period would extend beyond the term of the contract.

33 **【A** religious employer may request, and a hospital service
34 corporation shall grant, an exclusion under the contract for the
35 coverage required by this section if the required coverage conflicts
36 with the religious employer's bona fide religious beliefs and
37 practices. A religious employer that obtains such an exclusion shall
38 provide written notice thereof to prospective subscribers and
39 subscribers. The provisions of this section shall not be construed as
40 authorizing a hospital service corporation to exclude coverage for
41 prescription drugs that are prescribed for reasons other than
42 contraceptive purposes or for prescription female contraceptives
43 that are necessary to preserve the life or health of a subscriber. For
44 the purposes of this section, "religious employer" means an

EXPLANATION – Matter enclosed in bold-faced brackets **【thus】** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 employer that is a church, convention or association of churches or
2 an elementary or secondary school that is controlled, operated or
3 principally supported by a church or by a convention or association
4 of churches as defined in 26 U.S.C.s.3121(w)(3)(A), and that
5 qualifies as a tax-exempt organization under 26 U.S.C.s.501(c)(3).】

6 b. The benefits shall be provided to the same extent as for any
7 other outpatient prescription drug under the contract, except no
8 deductible, coinsurance, copayment, or any other cost-sharing
9 requirement on the coverage shall be imposed.

10 c. This section shall apply to those contracts in which the
11 hospital service corporation has reserved the right to change the
12 premium.

13 (cf: P.L.2017, c.241, s.1)

14
15 2. Section 2 of P.L.2005, c.251 (C.17:48A-7bb) is amended to
16 read as follows:

17 2. a. A medical service corporation that provides hospital or
18 medical expense benefits for expenses incurred in the purchase of
19 outpatient prescription drugs under a contract shall provide
20 coverage under every such contract delivered, issued, executed or
21 renewed in this State or approved for issuance or renewal in this
22 State by the Commissioner of Banking and Insurance, on or after
23 the effective date of this act, for expenses incurred in the purchase
24 of prescription female contraceptives. For the purposes of this
25 section, "prescription female contraceptives" means any drug or
26 device used for contraception by a female, which is approved by the
27 federal Food and Drug Administration for that purpose, that can
28 **【only】** be purchased in this State with a prescription written by a
29 health care professional licensed or authorized to write
30 prescriptions, and includes, but is not limited to, birth control pills
31 and diaphragms. The coverage provided shall include prescriptions
32 for dispensing contraceptives for:

33 **【a.】** (1) a three-month period for the first dispensing of the
34 contraceptive; and

35 **【b.】** (2) a six-month period for any subsequent dispensing of
36 the same contraceptive, regardless of whether coverage under the
37 contract was in effect at the time of the first dispensing, except that
38 an entity subject to this section may provide coverage for a supply
39 of contraceptives that is for less than a six-month period, if a six-
40 month period would extend beyond the term of the contract.

41 **【A** religious employer may request, and a medical service
42 corporation shall grant, an exclusion under the contract for the
43 coverage required by this section if the required coverage conflicts
44 with the religious employer's bona fide religious beliefs and
45 practices. A religious employer that obtains such an exclusion shall
46 provide written notice thereof to prospective subscribers and
47 subscribers. The provisions of this section shall not be construed as

1 authorizing a medical service corporation to exclude coverage for
2 prescription drugs that are prescribed for reasons other than
3 contraceptive purposes or for prescription female contraceptives
4 that are necessary to preserve the life or health of a subscriber. For
5 the purposes of this section, "religious employer" means an
6 employer that is a church, convention or association of churches or
7 an elementary or secondary school that is controlled, operated or
8 principally supported by a church or by a convention or association
9 of churches as defined in 26 U.S.C.s.3121(w)(3)(A), and that
10 qualifies as a tax-exempt organization under 26 U.S.C.s.501(c)(3).】

11 b. The benefits shall be provided to the same extent as for any
12 other outpatient prescription drug under the contract, except no
13 deductible, coinsurance, copayment, or any other cost-sharing
14 requirement on the coverage shall be imposed.

15 c. This section shall apply to those contracts in which the
16 medical service corporation has reserved the right to change the
17 premium.

18 (cf: P.L.2017, c.241, s.2)

19

20 3. Section 3 of P.L.2005, c.251 (C.17:48E-35.29) is amended
21 to read as follows:

22 3. a. A health service corporation that provides hospital or
23 medical expense benefits for expenses incurred in the purchase of
24 outpatient prescription drugs under a contract shall provide
25 coverage under every such contract delivered, issued, executed or
26 renewed in this State or approved for issuance or renewal in this
27 State by the Commissioner of Banking and Insurance, on or after
28 the effective date of this act, for expenses incurred in the purchase
29 of prescription female contraceptives. For the purposes of this
30 section, "prescription female contraceptives" means any drug or
31 device used for contraception by a female, which is approved by the
32 federal Food and Drug Administration for that purpose, that can
33 **【only】** be purchased in this State with a prescription written by a
34 health care professional licensed or authorized to write
35 prescriptions, and includes, but is not limited to, birth control pills
36 and diaphragms. The coverage provided shall include prescriptions
37 for dispensing contraceptives for:

38 **【a.】** (1) a three-month period for the first dispensing of the
39 contraceptive; and

40 **【b.】** (2) a six-month period for any subsequent dispensing of
41 the same contraceptive, regardless of whether coverage under the
42 contract was in effect at the time of the first dispensing, except that
43 an entity subject to this section may provide coverage for a supply
44 of contraceptives that is for less than a six-month period, if a six-
45 month period would extend beyond the term of the contract.

46 **【A religious employer may request, and a health service**
47 **corporation shall grant, an exclusion under the contract for the**

1 coverage required by this section if the required coverage conflicts
2 with the religious employer's bona fide religious beliefs and
3 practices. A religious employer that obtains such an exclusion shall
4 provide written notice thereof to prospective subscribers and
5 subscribers. The provisions of this section shall not be construed as
6 authorizing a health service corporation to exclude coverage for
7 prescription drugs that are prescribed for reasons other than
8 contraceptive purposes or for prescription female contraceptives
9 that are necessary to preserve the life or health of a subscriber. For
10 the purposes of this section, "religious employer" means an
11 employer that is a church, convention or association of churches or
12 an elementary or secondary school that is controlled, operated or
13 principally supported by a church or by a convention or association
14 of churches as defined in 26 U.S.C.s.3121(w)(3)(A), and that
15 qualifies as a tax-exempt organization under 26 U.S.C.s.501(c)(3).】

16 b. The benefits shall be provided to the same extent as for any
17 other outpatient prescription drug under the contract, except no
18 deductible, coinsurance, copayment, or any other cost-sharing
19 requirement on the coverage shall be imposed.

20 c. This section shall apply to those contracts in which the
21 health service corporation has reserved the right to change the
22 premium.

23 (cf: P.L.2017, c.241, s.3)

24
25 4. Section 4 of P.L. 2005, c.251 (C.17B:27-46.1ee) is amended
26 to read as follows:

27 4. a. A group health insurer that provides hospital or medical
28 expense benefits for expenses incurred in the purchase of outpatient
29 prescription drugs under a policy shall provide coverage under
30 every such policy delivered, issued, executed or renewed in this
31 State or approved for issuance or renewal in this State by the
32 Commissioner of Banking and Insurance, on or after the effective
33 date of this act, for expenses incurred in the purchase of
34 prescription female contraceptives. For the purposes of this section,
35 "prescription female contraceptives" means any drug or device used
36 for contraception by a female, which is approved by the federal
37 Food and Drug Administration for that purpose, that can **【only】** be
38 purchased in this State with a prescription written by a health care
39 professional licensed or authorized to write prescriptions, and
40 includes, but is not limited to, birth control pills and diaphragms.
41 The coverage provided shall include prescriptions for dispensing
42 contraceptives for:

43 **【a.】** (1) a three-month period for the first dispensing of the
44 contraceptive; and

45 **【b.】** (2) a six-month period for any subsequent dispensing of
46 the same contraceptive, regardless of whether coverage under the
47 contract was in effect at the time of the first dispensing, except that
48 an entity subject to this section may provide coverage for a supply

1 of contraceptives that is for less than a six-month period, if a six-
2 month period would extend beyond the term of the contract.

3 **【A religious employer may request, and an insurer shall grant, an**
4 **exclusion under the policy for the coverage required by this section**
5 **if the required coverage conflicts with the religious employer's bona**
6 **fide religious beliefs and practices. A religious employer that**
7 **obtains such an exclusion shall provide written notice thereof to**
8 **prospective insureds and insureds. The provisions of this section**
9 **shall not be construed as authorizing an insurer to exclude coverage**
10 **for prescription drugs that are prescribed for reasons other than**
11 **contraceptive purposes or for prescription female contraceptives**
12 **that are necessary to preserve the life or health of an insured. For**
13 **the purposes of this section, "religious employer" means an**
14 **employer that is a church, convention or association of churches or**
15 **an elementary or secondary school that is controlled, operated or**
16 **principally supported by a church or by a convention or association**
17 **of churches as defined in 26 U.S.C.s.3121(w)(3)(A), and that**
18 **qualifies as a tax-exempt organization under 26 U.S.C.s.501(c)(3).】**

19 **b.** The benefits shall be provided to the same extent as for any
20 other outpatient prescription drug under the policy, except no
21 deductible, coinsurance, copayment, or any other cost-sharing
22 requirement on the coverage shall be imposed.

23 **c.** This section shall apply to those policies in which the insurer
24 has reserved the right to change the premium.
25 (cf: P.L.2017, c.241, s.4)

26
27 5. Section 5 of P.L.2005, c.251 (C.17B:26-2.1y) is amended to
28 read as follows:

29 5. **a.** An individual health insurer that provides hospital or
30 medical expense benefits for expenses incurred in the purchase of
31 outpatient prescription drugs under a policy shall provide coverage
32 under every such policy delivered, issued, executed or renewed in
33 this State or approved for issuance or renewal in this State by the
34 Commissioner of Banking and Insurance, on or after the effective
35 date of this act, for expenses incurred in the purchase of
36 prescription female contraceptives. For the purposes of this section,
37 "prescription female contraceptives" means any drug or device used
38 for contraception by a female, which is approved by the federal
39 Food and Drug Administration for that purpose, that can **【only】** be
40 purchased in this State with a prescription written by a health care
41 professional licensed or authorized to write prescriptions, and
42 includes, but is not limited to, birth control pills and diaphragms.
43 The coverage provided shall include prescriptions for dispensing
44 contraceptives for:

45 **【a.】** **(1)** a three-month period for the first dispensing of the
46 contraceptive; and

1 **【b.】** (2) a six-month period for any subsequent dispensing of
2 the same contraceptive, regardless of whether coverage under the
3 contract was in effect at the time of the first dispensing, except that
4 an entity subject to this section may provide coverage for a supply
5 of contraceptives that is for less than a six-month period, if a six-
6 month period would extend beyond the term of the contract.

7 **【A religious employer may request, and an insurer shall grant, an**
8 **exclusion under the policy for the coverage required by this section**
9 **if the required coverage conflicts with the religious employer's bona**
10 **fide religious beliefs and practices. A religious employer that**
11 **obtains such an exclusion shall provide written notice thereof to**
12 **prospective insureds and insureds. The provisions of this section**
13 **shall not be construed as authorizing an insurer to exclude coverage**
14 **for prescription drugs that are prescribed for reasons other than**
15 **contraceptive purposes or for prescription female contraceptives**
16 **that are necessary to preserve the life or health of an insured. For**
17 **the purposes of this section, "religious employer" means an**
18 **employer that is a church, convention or association of churches or**
19 **an elementary or secondary school that is controlled, operated or**
20 **principally supported by a church or by a convention or association**
21 **of churches as defined in 26 U.S.C.s.3121(w)(3)(A), and that**
22 **qualifies as a tax-exempt organization under 26 U.S.C.s.501(c)(3).】**

23 **b.** The benefits shall be provided to the same extent as for any
24 other outpatient prescription drug under the policy, except no
25 deductible, coinsurance, copayment, or any other cost-sharing
26 requirement on the coverage shall be imposed.

27 **c.** This section shall apply to those policies in which the insurer
28 has reserved the right to change the premium.

29 (cf: P.L.2017, c.241, s.5)

30
31 6. Section 6 of P.L.2005, c. 251 (C.26:2J-4.30) is amended to
32 read as follows:

33 6. **a.** A certificate of authority to establish and operate a health
34 maintenance organization in this State shall not be issued or
35 continued on or after the effective date of this act for a health
36 maintenance organization that provides health care services for
37 outpatient prescription drugs under a contract, unless the health
38 maintenance organization also provides health care services for
39 prescription female contraceptives. For the purposes of this section,
40 "prescription female contraceptives" means any drug or device used
41 for contraception by a female, which is approved by the federal
42 Food and Drug Administration for that purpose, that can **【only】** be
43 purchased in this State with a prescription written by a health care
44 professional licensed or authorized to write prescriptions, and
45 includes, but is not limited to, birth control pills and diaphragms.
46 The coverage provided shall include prescriptions for dispensing
47 contraceptives for:

1 **【a.】** (1) a three-month period for the first dispensing of the
2 contraceptive; and

3 **【b.】** (2) a six-month period for any subsequent dispensing of
4 the same contraceptive, regardless of whether coverage under the
5 contract was in effect at the time of the first dispensing, except that
6 an entity subject to this section may provide coverage for a supply
7 of contraceptives that is for less than a six-month period, if a six-
8 month period would extend beyond the term of the contract.

9 **【A religious employer may request, and a health maintenance**
10 organization shall grant, an exclusion under the contract for the
11 health care services required by this section if the required health
12 care services conflict with the religious employer's bona fide
13 religious beliefs and practices. A religious employer that obtains
14 such an exclusion shall provide written notice thereof to prospective
15 enrollees and enrollees. The provisions of this section shall not be
16 construed as authorizing a health maintenance organization to
17 exclude health care services for prescription drugs that are
18 prescribed for reasons other than contraceptive purposes or for
19 prescription female contraceptives that are necessary to preserve the
20 life or health of an enrollee. For the purposes of this section,
21 "religious employer" means an employer that is a church,
22 convention or association of churches or an elementary or
23 secondary school that is controlled, operated or principally
24 supported by a church or by a convention or association of churches
25 as defined in 26 U.S.C.s.3121(w)(3)(A), and that qualifies as a tax-
26 exempt organization under 26 U.S.C.s.501(c)(3).**】**

27 b. The health care services shall be provided to the same extent
28 as for any other outpatient prescription drug under the contract,
29 except no deductible, coinsurance, copayment, or any other cost-
30 sharing requirement on the coverage shall be imposed.

31 c. The provisions of this section shall apply to those contracts
32 for health care services by health maintenance organizations under
33 which the right to change the schedule of charges for enrollee
34 coverage is reserved.

35 (cf: P.L.2017, c.241, s.6)

36

37 7. Section 7 of P.L.2005, c.251 (C.17B:27A-7.12) is amended
38 to read as follows:

39 7. a. An individual health benefits plan required pursuant to
40 section 3 of P.L.1992, c.161 (C.17B:27A-4) that provides benefits
41 for expenses incurred in the purchase of outpatient prescription
42 drugs shall provide coverage for expenses incurred in the purchase
43 of prescription female contraceptives. For the purposes of this
44 section, "prescription female contraceptives" means any drug or
45 device used for contraception by a female, which is approved by the
46 federal Food and Drug Administration for that purpose, that can
47 **【only】** be purchased in this State with a prescription written by a

1 health care professional licensed or authorized to write
2 prescriptions, and includes, but is not limited to, birth control pills
3 and diaphragms. The coverage provided shall include prescriptions
4 for dispensing contraceptives for:

5 **【a.】** (1) a three-month period for the first dispensing of the
6 contraceptive; and

7 **【b.】** (2) a six-month period for any subsequent dispensing of
8 the same contraceptive, regardless of whether coverage under the
9 contract was in effect at the time of the first dispensing, except that
10 an entity subject to this section may provide coverage for a supply
11 of contraceptives that is for less than a six-month period, if a six-
12 month period would extend beyond the term of the contract.

13 **【A religious employer may request, and a carrier shall grant, an**
14 **exclusion under the health benefits plan for the coverage required**
15 **by this section if the required coverage conflicts with the religious**
16 **employer's bona fide religious beliefs and practices. A religious**
17 **employer that obtains such an exclusion shall provide written notice**
18 **thereof to prospective covered persons and covered persons. The**
19 **provisions of this section shall not be construed as authorizing a**
20 **carrier to exclude coverage for prescription drugs that are**
21 **prescribed for reasons other than contraceptive purposes or for**
22 **prescription female contraceptives that are necessary to preserve the**
23 **life or health of a covered person. For the purposes of this section,**
24 **"religious employer" means an employer that is a church,**
25 **convention or association of churches or an elementary or**
26 **secondary school that is controlled, operated or principally**
27 **supported by a church or by a convention or association of churches**
28 **as defined in 26 U.S.C.s.3121(w)(3)(A), and that qualifies as a tax-**
29 **exempt organization under 26 U.S.C.s.501(c)(3).】**

30 b. The benefits shall be provided to the same extent as for any
31 other outpatient prescription drug under the health benefits plan,
32 except no deductible, coinsurance, copayment, or any other cost-
33 sharing requirement on the coverage shall be imposed.

34 c. This section shall apply to all individual health benefits
35 plans in which the carrier has reserved the right to change the
36 premium.

37 (cf: P.L.2017, c.241, s.7)

38
39 8. Section 8 of P.L.2005, c.251 (C.17B:27A-19.15) is amended
40 to read as follows:

41 8. a. A small employer health benefits plan required pursuant
42 to section 3 of P.L.1992, c.162 (C.17B:27A-19) that provides
43 benefits for expenses incurred in the purchase of outpatient
44 prescription drugs shall provide coverage for expenses incurred in
45 the purchase of prescription female contraceptives. For the
46 purposes of this section, "prescription female contraceptives" means
47 any drug or device used for contraception by a female, which is
48 approved by the federal Food and Drug Administration for that

1 purpose, that can **【only】** be purchased in this State with a
2 prescription written by a health care professional licensed or
3 authorized to write prescriptions, and includes, but is not limited to,
4 birth control pills and diaphragms. The coverage provided shall
5 include prescriptions for dispensing contraceptives for:

6 **【a.】** (1) a three-month period for the first dispensing of the
7 contraceptive; and

8 **【b.】** (2) a six-month period for any subsequent dispensing of
9 the same contraceptive, regardless of whether coverage under the
10 contract was in effect at the time of the first dispensing, except that
11 an entity subject to this section may provide coverage for a supply
12 of contraceptives that is for less than a six-month period, if a six-
13 month period would extend beyond the term of the contract.

14 **【A religious employer may request, and a carrier shall grant, an**
15 **exclusion under the health benefits plan for the coverage required**
16 **by this section if the required coverage conflicts with the religious**
17 **employer's bona fide religious beliefs and practices. A religious**
18 **employer that obtains such an exclusion shall provide written notice**
19 **thereof to prospective covered persons and covered persons. The**
20 **provisions of this section shall not be construed as authorizing a**
21 **carrier to exclude coverage for prescription drugs that are**
22 **prescribed for reasons other than contraceptive purposes or for**
23 **prescription female contraceptives that are necessary to preserve the**
24 **life or health of a covered person. For the purposes of this section,**
25 **"religious employer" means an employer that is a church,**
26 **convention or association of churches or an elementary or**
27 **secondary school that is controlled, operated or principally**
28 **supported by a church or by a convention or association of churches**
29 **as defined in 26 U.S.C.s.3121(w)(3)(A), and that qualifies as a tax-**
30 **exempt organization under 26 U.S.C.s.501(c)(3).】**

31 b. The benefits shall be provided to the same extent as for any
32 other outpatient prescription drug under the health benefits plan,
33 except no deductible, coinsurance, copayment, or any other cost-
34 sharing requirement on the coverage shall be imposed.

35 c. This section shall apply to all small employer health benefits
36 plans in which the carrier has reserved the right to change the
37 premium.

38 (cf: P.L.2017, c.241, s.8)

39
40 9. Section 9 of P.L.2005, c.251 (C.17:48F-13.2) is amended to
41 read as follows:

42 9. a. A prepaid prescription service organization that provides
43 benefits for expenses incurred in the purchase of outpatient
44 prescription drugs under a contract shall provide coverage under
45 every such contract delivered, issued, executed or renewed in this
46 State or approved for issuance or renewal in this State by the
47 Commissioner of Banking and Insurance, on or after the effective

1 date of this act, for expenses incurred in the purchase of
2 prescription female contraceptives. For the purposes of this section,
3 "prescription female contraceptives" means any drug or device used
4 for contraception by a female, which is approved by the federal
5 Food and Drug Administration for that purpose, that can **only** be
6 purchased in this State with a prescription written by a health care
7 professional licensed or authorized to write prescriptions, and
8 includes, but is not limited to, birth control pills and diaphragms.
9 The coverage provided shall include prescriptions for dispensing
10 contraceptives for:

11 **【a.】 (1)** a three-month period for the first dispensing of the
12 contraceptive; and

13 **【b.】 (2)** a six-month period for any subsequent dispensing of
14 the same contraceptive, regardless of whether coverage under the
15 contract was in effect at the time of the first dispensing, except that
16 an entity subject to this section may provide coverage for a supply
17 of contraceptives that is for less than a six-month period, if a six-
18 month period would extend beyond the term of the contract.

19 **【A religious employer may request, and a prepaid prescription**
20 **service organization shall grant, an exclusion under the contract for**
21 **the coverage required by this section if the required coverage**
22 **conflicts with the religious employer's bona fide religious beliefs**
23 **and practices. A religious employer that obtains such an exclusion**
24 **shall provide written notice thereof to prospective enrollees and**
25 **enrollees. The provisions of this section shall not be construed as**
26 **authorizing a prepaid prescription service organization to exclude**
27 **coverage for prescription drugs that are prescribed for reasons other**
28 **than contraceptive purposes or for prescription female**
29 **contraceptives that are necessary to preserve the life or health of an**
30 **enrollee. For the purposes of this section, "religious employer"**
31 **means an employer that is a church, convention or association of**
32 **churches or an elementary or secondary school that is controlled,**
33 **operated or principally supported by a church or by a convention or**
34 **association of churches as defined in 26 U.S.C.s.3121(w)(3)(A),**
35 **and that qualifies as a tax-exempt organization under 26**
36 **U.S.C.s.501(c)(3).】**

37 **b.** The benefits shall be provided to the same extent as for any
38 other outpatient prescription drug under the contract, except no
39 deductible, coinsurance, copayment, or any other cost-sharing
40 requirement on the coverage shall be imposed.

41 **c.** This section shall apply to those prepaid prescription
42 contracts in which the prepaid prescription service organization has
43 reserved the right to change the premium.

44 (cf: P.L.2017, c.241, s.9)

45

46 10. Section 10 of P.L.2005, c.251 (C.52:14-17.29j) is amended
47 to read as follows:

1 10. a. The State Health Benefits Commission shall ensure that
2 every contract purchased by the commission on or after the
3 effective date of this act that provides benefits for expenses
4 incurred in the purchase of outpatient prescription drugs shall
5 provide benefits for expenses incurred in the purchase of
6 prescription female contraceptives.

7 For the purposes of this section, "prescription female
8 contraceptives" means any drug or device used for contraception by
9 a female, which is approved by the federal Food and Drug
10 Administration for that purpose, that can **【only】** be purchased in
11 this State with a prescription written by a health care professional
12 licensed or authorized to write prescriptions, and includes, but is
13 not limited to, birth control pills and diaphragms. The coverage
14 provided shall include prescriptions for dispensing contraceptives
15 for:

16 **【a.】** (1) a three-month period for the first dispensing of the
17 contraceptive; and

18 **【b.】** (2) a six-month period for any subsequent dispensing of
19 the same contraceptive, regardless of whether coverage under the
20 contract was in effect at the time of the first dispensing, except that
21 an entity subject to this section may provide coverage for a supply
22 of contraceptives that is for less than a six-month period, if a six-
23 month period would extend beyond the term of the contract.

24 b. The contract shall specify that no deductible, coinsurance,
25 copayment, or any other cost-sharing requirement may be imposed
26 on the coverage required pursuant to this section.

27 (cf: P.L.2017, c.241, s.10)
28

29 11. This act shall take effect on the 90th day next following
30 enactment and shall apply to policies or contracts issued or renewed
31 on or after the effective date.
32

33 34 STATEMENT

35
36 This bill amends P.L.2005, c.251, the statute requiring health
37 insurance carriers and the State health benefits programs to cover
38 prescription female contraceptives, by prohibiting insurers from
39 imposing a deductible, coinsurance, copayment, or any other cost-
40 sharing requirement on this coverage.

41 Currently, federal law requires coverage for female
42 contraceptives to be provided without cost sharing in certain
43 circumstances. This bill would expand State law to also require
44 coverage for female contraceptives to be provided without cost
45 sharing. The bill also expands coverage for female contraceptives
46 to include all contraceptives approved by the federal Food and Drug
47 Administration for that purpose that can be purchased in this State
48 with a prescription written by a health care professional.

1 The bill also removes the exemption in current law for religious
2 employers to provide coverage for female contraceptives if the
3 required coverage conflicts with the religious employer's bona fide
4 religious beliefs and practices.