

SENATE, No. 3804

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED MAY 30, 2019

Sponsored by:

Senator M. TERESA RUIZ

District 29 (Essex)

Senator NELLIE POU

District 35 (Bergen and Passaic)

Co-Sponsored by:

Senator Greenstein

SYNOPSIS

Revises requirements for health benefits coverage of contraceptives.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/28/2019)

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
19 the federal Food and Drug Administration for that purpose**],** that
20 can 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
24 prescriptions 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 the
28 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
45 employer that is a church, convention or association of churches or

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

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

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

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

13

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

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

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

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

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

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

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

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

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

18

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

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

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

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

45 **【A** religious employer may request, and a health service
46 corporation shall grant, an exclusion under the contract for the
47 coverage required by this section if the required coverage conflicts

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

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

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

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

23

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

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

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

44 **【b.】** (2) a six-month period for any subsequent dispensing of the
45 same contraceptive, regardless of whether coverage under the
46 contract was in effect at the time of the first dispensing, except that
47 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 **fade 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 the
2 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 the
4 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
46 the federal Food and Drug Administration for that purpose**【**, that
47 can 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
4 prescriptions 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 the
8 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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

34

35

36

STATEMENT

37

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

43 Currently, federal law requires coverage for female
44 contraceptives to be provided without cost sharing in certain
45 circumstances. This bill would expand State law to also require
46 coverage for female contraceptives to be provided without cost
47 sharing. The bill also expands coverage for female contraceptives

1 to include all contraceptives approved by the federal Food and Drug
2 Administration for that purpose.

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