Session of 2025

SENATE BILL No. 150

By Committee on Public Health and Welfare

2-3

AN ACT concerning insurance; relating to healthcare benefits and health insurance plans and related coverage; prohibiting the denial of coverage for the refilling of prescription topical eye medication; amending K.S.A. 40-2,103 and 40-19c09 and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

New Section 1. (a) Any individual or group health insurance policy, medical service plan, contract, hospital service corporation contract, hospital and medical service corporation contract, fraternal benefit society or health maintenance organization that provides coverage for accident and health services and that is delivered, issued for delivery, amended or renewed on or after January 1, 2026, shall provide coverage for the refilling of a prescription for topical eye medication if:

(1) The medication is to treat a chronic eye condition;

(2) the refill is requested by the insured prior to the last day of the prescribed dosage period and after at least 75% of the predicted days of use; and

(3) the prescribing person licensed by the state board of healing arts to practice medicine or surgery or optometrist indicated on the original prescription that refills are permitted and that the early refill requested by the insured does not exceed the total number of refills prescribed.

Sec. 2. K.S.A. 40-2,103 is hereby amended to read as follows: 40-2,103. The requirements of K.S.A. 40-2,100, 40-2,101, 40-2,102, 40-2,104, 40-2,105, *40-2,105a, 40-2,105b,* 40-2,114, 40-2,160, 40-2,165 through 40-2,170, ~~40-2250, K.S.A. 40-2,105a, 40-2,105b,~~ 40-2,184, 40-2,190, 40-2,194 ~~and~~*,* 40-2,210 through 40-2,216*, 40-2250 and section 1*, and amendments thereto, shall apply to all insurance policies, subscriber contracts or certificates of insurance delivered, renewed or issued for delivery within or outside of this state or used within this state by or for an individual who resides or is employed in this state.

Sec. 3. K.S.A. 40-19c09 is hereby amended to read as follows: 40-19c09. (a) Corporations organized under the nonprofit medical and hospital service corporation act shall be subject to the provisions of the Kansas general corporation code, articles 60 through 74 of chapter 17 of the Kansas Statutes Annotated, and amendments thereto, applicable to nonprofit corporations, to the provisions of K.S.A. 40-214, 40-215, 40-

216, 40-218, 40-219, 40-222, 40-223, 40-224, 40-225, 40-229, 40-230, 40-231, 40-235, 40-236, 40-237, 40-247, 40-248, 40-249, 40-250, 40-251, 40-252, 40-2,100, 40-2,101, 40-2,102, 40-2,103, 40-2,104, 40-2,105, *40-2,105a, 40-2,105b,* 40-2,116, 40-2,117, 40-2,125, 40-2,153, 40-2,154, 40-2,160, 40-2,161, 40-2,163 through 40-2,170, *40-2,184, 40-2,190, 40-2,194, 40-2,210 through 40-2,216,* 40-2a01 et seq., 40-2111 through 40-2116, 40-2215 through 40-2220, 40-2221a, 40-2221b, 40-2229, 40-2230, 40-2250, 40-2251, 40-2253, 40-2254, 40-2401 through 40-2421, ~~and~~ 40-3301 through 40-3313 and ~~K.S.A. 40-2,105a, 40-2,105b, 40-2,184, 40-2,190, 40-2,194 and 40-2,210 through 40-2,216~~ *section 1*, and amendments thereto, except as the context otherwise requires, and shall not be subject to any other provisions of the insurance code except as expressly provided in this act.

(b) No policy, agreement, contract or certificate issued by a corporation to which this section applies shall contain a provision ~~which~~ *that* excludes, limits or otherwise restricts coverage because medicaid benefits as permitted by title XIX of the social security act of 1965 are or may be available for the same accident or illness.

(c) Violation of subsection (b) shall be subject to the penalties prescribed by K.S.A. 40-2407 and 40-2411, and amendments thereto.

Sec. 4. K.S.A. 40-2,103 and 40-19c09 are hereby repealed.

Sec. 5. This act shall take effect and be in force from and after its publication in the statute book.