

HOUSE BILL No. 2343

By Representative Vaughn

2-10

1 AN ACT concerning insurance; health insurance coverage; providing
2 coverage for prescription contraceptives dispensed for three-month or
3 12-month periods; amending K.S.A. 2020 Supp. 40-2,103 and 40-
4 19c09 and repealing the existing sections.

5
6 *Be it enacted by the Legislature of the State of Kansas:*

7 New Section 1. (a) Any individual or group health insurance policy,
8 medical service plan, contract, hospital service corporation contract,
9 hospital and medical service corporation contract, fraternal benefit society
10 or health maintenance organization that provides coverage for accident and
11 health services and that is delivered, issued for delivery, amended or
12 renewed on or after July 1, 2022, except as provided in subsection (d),
13 shall provide coverage for prescription contraceptives dispensed in a
14 quantity intended to last for a: (1) Three-month period for the first
15 dispensing of the contraceptive to an insured; and (2) 12-month period for
16 subsequent dispensings of the same contraceptive to the insured,
17 regardless of whether the insured was enrolled in such policy, provision,
18 contract, plan or agreement at the time of first dispensing. Such policy,
19 provision, contract, plan or agreement may apply to such services the same
20 deductibles, coinsurance and other limitations as applied to other covered
21 services.

22 (b) As used in this section, "contraceptive" means any drug or device
23 that inhibits or prevents ovulation, fertilization or implantation of an
24 embryo.

25 (c) This section shall not apply to any policy or certificate that
26 provides coverage for any specified disease, specified accident or accident
27 only coverage, credit, dental, disability income, hospital indemnity,
28 longterm care insurance as defined by K.S.A. 40-2227, and amendments
29 thereto, vision care or any other limited supplemental benefit nor to any
30 medicare supplement policy of insurance as defined by the commissioner
31 of insurance by rules and regulations, any coverage issued as a supplement
32 to liability insurance, workers compensation or similar insurance,
33 automobile medical-payment insurance or any insurance under which
34 benefits are payable with or without regard to fault, whether written on a
35 group, blanket or individual basis.

36 (d) (1) From and after July 1, 2021, the provisions of this section

1 shall apply to the state healthcare benefits program.

2 (2) Pursuant to the provisions of K.S.A. 40-2249a, and amendments
3 thereto, on or before March 1, 2022, the state employees healthcare
4 commission shall submit to the president of the senate and to the speaker
5 of the house of representatives a report indicating the impact that
6 provisions of this section have had on the state healthcare benefits
7 program, including data on the utilization and costs of such coverage. Such
8 report shall also include a recommendation whether such coverage should
9 continue for the state healthcare benefits program or additional utilization
10 and cost data is required.

11 Sec. 2. K.S.A. 2020 Supp. 40-2,103 is hereby amended to read as
12 follows: 40-2,103. The requirements of K.S.A. 40-2,100, 40-2,101, 40-
13 2,102, 40-2,104, 40-2,105, 40-2,114, 40-2,160, 40-2,165 through 40-2,170,
14 40-2250, *and amendments thereto*, and K.S.A. 2020 Supp. 40-2,105a, 40-
15 2,105b, 40-2,184, 40-2,190, 40-2,194 ~~and~~, 40-2,210 through 40-2,216 *and*
16 *section 1*, and amendments thereto, shall apply to all insurance policies,
17 subscriber contracts or certificates of insurance delivered, renewed or
18 issued for delivery within or outside of this state or used within this state
19 by or for an individual who resides or is employed in this state.

20 Sec. 3. K.S.A. 2020 Supp. 40-19c09 is hereby amended to read as
21 follows: 40-19c09. (a) Corporations organized under the nonprofit medical
22 and hospital service corporation act shall be subject to the provisions of
23 the Kansas general corporation code, articles 60 through 74 of chapter 17
24 of the Kansas Statutes Annotated, and amendments thereto, applicable to
25 nonprofit corporations, to the provisions of K.S.A. 40-214, 40-215, 40-
26 216, 40-218, 40-219, 40-222, 40-223, 40-224, 40-225, 40-229, 40-230, 40-
27 231, 40-235, 40-236, 40-237, 40-247, 40-248, 40-249, 40-250, 40-251, 40-
28 252, 40-2,100, 40-2,101, 40-2,102, 40-2,103, 40-2,104, 40-2,105, 40-
29 2,116, 40-2,117, 40-2,125, 40-2,153, 40-2,154, 40-2,160, 40-2,161, 40-
30 2,163 through 40-2,170, 40-2a01 et seq., 40-2111 through 40-2116, 40-
31 2215 through 40-2220, 40-2221a, 40-2221b, 40-2229, 40-2230, 40-2250,
32 40-2251, 40-2253, 40-2254, 40-2401 through 40-2421, and 40-3301
33 through 40-3313, *and amendments thereto*, and K.S.A. 2020 Supp. 40-
34 2,105a, 40-2,105b, 40-2,184, 40-2,190, 40-2,194 ~~and~~, 40-2,210 through
35 40-2,216 *and section 1*, and amendments thereto, except as the context
36 otherwise requires, and shall not be subject to any other provisions of the
37 insurance code except as expressly provided in this act.

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

43 (c) Violation of subsection (b) shall be subject to the penalties

1 prescribed by K.S.A. 40-2407 and 40-2411, and amendments thereto.

2 Sec. 4. K.S.A. 2020 Supp. 40-2,103 and 40-19c09 are hereby
3 repealed.

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