



GOV. MSG. NO. 1307

EXECUTIVE CHAMBERS  
HONOLULU

DAVID Y. IGE  
GOVERNOR

July 5, 2016

The Honorable Ronald D. Kouchi,  
President  
and Members of the Senate  
Twenty-Eighth State Legislature  
State Capitol, Room 409  
Honolulu, Hawai'i 96813

The Honorable Joseph M. Souki,  
Speaker and Members of the  
House of Representatives  
Twenty-Eighth State Legislature  
State Capitol, Room 431  
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Souki, and Members of the Legislature:

This is to inform you that on July 5, 2016, the following bill was signed into law:

SB2319 SD1 HD3 CD1

RELATING TO INSURANCE  
**ACT 205 (16)**

Sincerely,

DAVID Y. IGE  
Governor, State of Hawai'i

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# A BILL FOR AN ACT

RELATING TO INSURANCE.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that insurance companies  
2 typically cover a thirty- or ninety-day supply of prescription  
3 contraceptives. However, these coverage requirements may act as  
4 a barrier for women, especially those who live in rural areas,  
5 frequently travel, are unable to schedule regular visits to  
6 health care providers, or are unable to readily pick up their  
7 prescriptions. The legislature further finds that statewide  
8 efforts to expand women's access to prescription contraceptives,  
9 including long-acting reproductive contraceptives, have been  
10 shown to help decrease unplanned pregnancies.

11           The legislature additionally finds that Oregon recently  
12 enacted legislation to expand women's access to prescription  
13 contraception. The law requires women to first obtain a three-  
14 month supply of prescription contraceptives then allows women to  
15 fill subsequent prescriptions for a year at a time. The  
16 legislature concludes that Hawaii should adopt similar  
17 legislation, which will increase access to prescription  
18 contraceptive supplies and decrease barriers regarding



1 reproductive health care. The legislature notes that the  
2 American Congress of Obstetricians and Gynecologists and the  
3 federal Centers for Disease Control and Prevention recommend  
4 prescribing or supplying up to one year of oral contraceptive  
5 supplies, based on a woman's preferences and anticipated use.

6 Accordingly, the purpose of this Act is to expand access to  
7 prescription contraceptives by requiring insurers to cover up to  
8 a twelve-month period of prescription contraceptive supplies for  
9 an insured.

10 The legislature notes that the reimbursement for  
11 prescription contraceptive supplies required under this Act is  
12 intended to apply to all insurers in the State, including health  
13 benefits plans under chapter 87A, Hawaii Revised Statutes, and  
14 medicaid managed care programs.

15 SECTION 2. Section 431:10A-116.6, Hawaii Revised Statutes,  
16 is amended to read as follows:

17 "§431:10A-116.6 Contraceptive services. (a)  
18 Notwithstanding any provision of law to the contrary, each  
19 employer group accident and health or sickness policy, contract,  
20 plan, or agreement issued or renewed in this State on or after  
21 January 1, 2000, shall cease to exclude contraceptive services



1 or supplies for the subscriber or any dependent of the  
2 subscriber who is covered by the policy, subject to the  
3 exclusion under section 431:10A-116.7[-] and the exclusion under  
4 section 431:10A-102.5.

5 (b) Except as provided in subsection (c), all policies,  
6 contracts, plans, or agreements under subsection (a), that  
7 provide contraceptive services or supplies, or prescription drug  
8 coverage, shall not exclude any prescription contraceptive  
9 supplies or impose any unusual copayment, charge, or waiting  
10 requirement for such supplies.

11 (c) Coverage for oral contraceptives shall include at  
12 least one brand from the monophasic, multiphasic, and the  
13 progestin-only categories. A member shall receive coverage for  
14 any other oral contraceptive only if:

15 (1) Use of brands covered has resulted in an adverse drug  
16 reaction; or

17 (2) The member has not used the brands covered and, based  
18 on the member's past medical history, the prescribing  
19 health care provider believes that use of the brands  
20 covered would result in an adverse reaction.



1        (d) Coverage required by this section shall include  
2 reimbursement to a prescribing health care provider or  
3 dispensing entity for prescription contraceptive supplies  
4 intended to last for up to a twelve-month period for an insured.

5        [~~d~~] (e) For purposes of this section:

6        "Contraceptive services" means physician-delivered,  
7 physician-supervised, physician assistant-delivered, [nurse  
8 ~~practitioner-delivered, certified nurse-midwife-delivered,~~  
9 advanced practice registered nurse-delivered, nurse-delivered,  
10 or pharmacist-delivered medical services intended to promote the  
11 effective use of contraceptive supplies or devices to prevent  
12 unwanted pregnancy.

13        "Contraceptive supplies" means all United States Food and  
14 Drug Administration-approved contraceptive drugs or devices used  
15 to prevent unwanted pregnancy.

16        [~~e~~] (f) Nothing in this section shall be construed to  
17 extend the practice or privileges of any health care provider  
18 beyond that provided in the laws governing the provider's  
19 practice and privileges."

20        SECTION 3. Section 432:1-604.5, Hawaii Revised Statutes,  
21 is amended to read as follows:



1           "§432:1-604.5 Contraceptive services. (a)  
2 Notwithstanding any provision of law to the contrary, each  
3 employer group health policy, contract, plan, or agreement  
4 issued or renewed in this State on or after January 1, 2000,  
5 shall cease to exclude contraceptive services or supplies, and  
6 contraceptive prescription drug coverage for the subscriber or  
7 any dependent of the subscriber who is covered by the policy,  
8 subject to the exclusion under section 431:10A-116.7.

9           (b) Except as provided in subsection (c), all policies,  
10 contracts, plans, or agreements under subsection (a), that  
11 provide contraceptive services or supplies, or prescription drug  
12 coverage, shall not exclude any prescription contraceptive  
13 supplies or impose any unusual copayment, charge, or waiting  
14 requirement for such drug or device.

15           (c) Coverage for contraceptives shall include at least one  
16 brand from the monophasic, multiphasic, and the progestin-only  
17 categories. A member shall receive coverage for any other oral  
18 contraceptive only if:

19           (1) Use of brands covered has resulted in an adverse drug  
20                 reaction; or



1           (2) The member has not used the brands covered and, based  
2           on the member's past medical history, the prescribing  
3           health care provider believes that use of the brands  
4           covered would result in an adverse reaction.

5           (d) Coverage required by this section shall include  
6           reimbursement to a prescribing health care provider or  
7           dispensing entity for prescription contraceptive supplies  
8           intended to last for up to a twelve-month period for a member.

9           ~~[(d)]~~ (e) For purposes of this section:

10           "Contraceptive services" means physician-delivered,  
11           physician-supervised, physician assistant-delivered, [nurse  
12           ~~practitioner delivered, certified nurse midwife delivered,~~  
13           advanced practice registered nurse-delivered, or nurse-delivered  
14           medical services intended to promote the effective use of  
15           contraceptive supplies or devices to prevent unwanted pregnancy.

16           "Contraceptive supplies" means all Food and Drug  
17           Administration-approved contraceptive drugs or devices used to  
18           prevent unwanted pregnancy.

19           ~~[(e)]~~ (f) Nothing in this section shall be construed to  
20           extend the practice or privileges of any health care provider



1 beyond that provided in the laws governing the provider's  
2 practice and privileges."

3 SECTION 4. Notwithstanding any other law to the contrary,  
4 the reimbursement for prescription contraceptive supplies  
5 required under sections 2 and 3 of this Act shall apply to all  
6 health benefits plans under chapter 87A, Hawaii Revised  
7 Statutes, issued, renewed, modified, altered, or amended on or  
8 after January 1, 2017.

9 SECTION 5. The reimbursement for prescription  
10 contraceptive supplies required under sections 2 and 3 of this  
11 Act shall apply to all plans under medicaid managed care  
12 programs in the State.

13 SECTION 6. Statutory material to be repealed is bracketed  
14 and stricken. New statutory material is underscored.

15 SECTION 7. This Act shall take effect on July 1, 2016;  
16 provided that sections 2 and 3 shall apply to all policies,  
17 contracts, plans, or agreements issued or renewed in the State  
18 on or after January 1, 2017; provided further that section 5  
19 shall take effect upon approval of the Hawaii medicaid state  
20 plan by the Centers for Medicare and Medicaid Services.

APPROVED this 5 day of JUL, 2016



GOVERNOR OF THE STATE OF HAWAII