
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 in rural areas or who
5 frequently travel and who are unable to schedule regular visits
6 to health care providers or readily pick up their prescriptions.

7 The legislature further finds that Oregon recently enacted
8 legislation to expand women's access to prescription
9 contraception. The legislature concludes that Hawaii should
10 adopt similar legislation, which will increase access to
11 prescription contraceptive supplies and decrease barriers
12 regarding reproductive health care.

13 The purpose of this Act is to expand access to prescription
14 contraceptives by requiring insurers to cover contraceptive
15 supplies intended to last up to a twelve-month period.

16 The legislature notes that the reimbursement for
17 prescription contraceptive supplies required under this Act is



1 intended to apply to insurers in the State, including health
2 benefits plans under chapter 87A, Hawaii Revised Statutes, and
3 medicaid managed care programs.

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

6 "§431:10A-116.6 Contraceptive services. (a)

7 Notwithstanding any provision of law to the contrary, each
8 employer group accident and health or sickness policy, contract,
9 plan, or agreement issued or renewed in this State on or after
10 January 1, 2000, shall cease to exclude contraceptive services
11 or supplies for the subscriber or any dependent of the
12 subscriber who is covered by the policy, subject to the
13 exclusion under section 431:10A-116.7[-] and to the provisions
14 of section 431:10A-102.5.

15 (b) Except as provided in subsection (c), all policies,
16 contracts, plans, or agreements under subsection (a), that
17 provide contraceptive services or supplies, or prescription drug
18 coverage, shall not exclude any prescription contraceptive
19 supplies or impose any unusual copayment, charge, or waiting
20 requirement for such supplies.



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

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

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

11 (d) A prescribing health care provider may prescribe oral
12 contraceptives for a period up to twelve months from the initial
13 prescription based on the prescriber's discretion.

14 (e) Coverage required by this section shall include
15 reimbursement to a prescribing health care provider or
16 dispensing entity for the dispensing of contraceptive supplies
17 intended to last up to a twelve-month period.

18 [~~(d)~~] (f) For purposes of this section:

19 "Contraceptive services" means physician-delivered,
20 physician-supervised, physician assistant-delivered, [~~nurse~~
21 ~~practitioner-delivered,~~] advanced practice registered nurse-



1 delivered, certified nurse midwife-delivered, nurse-delivered,
2 or pharmacist-delivered medical services intended to promote the
3 effective use of contraceptive supplies or devices to prevent
4 unwanted pregnancy.

5 "Contraceptive supplies" means all United States Food and
6 Drug Administration-approved contraceptive drugs or devices used
7 to prevent unwanted pregnancy.

8 [~~e~~] (g) Nothing in this section shall be construed to
9 extend the practice or privileges of any health care provider
10 beyond that provided in the laws governing the provider's
11 practice and privileges."

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

14 "§432:1-604.5 Contraceptive services. (a)
15 Notwithstanding any provision of law to the contrary, each
16 employer group health policy, contract, plan, or agreement
17 issued or renewed in this State on or after January 1, 2000,
18 shall cease to exclude contraceptive services or supplies, and
19 contraceptive prescription drug coverage for the subscriber or
20 any dependent of the subscriber who is covered by the policy,
21 subject to the exclusion under section 431:10A-116.7.



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

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

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

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

17 (d) A prescribing health care provider may prescribe oral
18 contraceptives for a period up to twelve months from the initial
19 prescription based on the prescriber's discretion.

20 (e) Coverage required by this section shall include
21 reimbursement to a prescribing health care provider or



1 dispensing entity for the dispensing of contraceptive supplies
2 intended to last up to a twelve-month period.

3 [~~(d)~~] (f) For purposes of this section:

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

10 "Contraceptive supplies" means all Food and Drug
11 Administration-approved contraceptive drugs or devices used to
12 prevent unwanted pregnancy.

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

17 SECTION 4. Notwithstanding any other law to the contrary,
18 the reimbursement for prescription contraceptive supplies
19 required under sections 2 and 3 of this Act shall apply to all
20 health benefits plans under chapter 87A, Hawaii Revised



1 Statutes, issued, renewed, modified, altered, or amended on or
2 after the effective date of this Act.

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

7 SECTION 6. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

9 SECTION 7. This Act shall take effect on July 1, 2070;
10 provided that:

11 (1) The requirements of this Act shall apply to policies,
12 contracts, and plans issued or renewed on or after
13 January 1, 2019; and

14 (2) Section 5 shall take effect upon approval of the
15 Hawaii medicaid state plan by the Centers for Medicare
16 and Medicaid Services.



Report Title:

Insurance; Contraceptives; Reimbursement

Description:

Requires insurers to cover contraceptive supplies dispensed in an amount sufficient for a twelve-month period. (HB1895 HD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

