

HOUSE BILL NO. 127

INTRODUCED BY E. HILL

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A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING INSURANCE COVERAGE OF CONTRACEPTIVE PRESCRIPTIONS AND DEVICES; AMENDING SECTIONS 33-31-111 AND 33-35-306, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**NEW SECTION. Section 1. Coverage of prescription contraceptives.** (1) Health insurance coverage

sold in the group or individual market in this state must provide coverage for:

- (a) prescription contraceptives; and
- (b) if covered for other drug benefits under the terms of the coverage, any outpatient consultations, examinations, procedures, and medical services necessary to prescribe, dispense, deliver, distribute, administer, or remove a prescription contraceptive.

(2) The coverage required under subsection (1)(b) may be subject to provisions of the health insurance coverage that apply equally to other consultations, examinations, procedures, and services for other drug benefits, including but not limited to required copayments, deductibles, and coinsurance.

(3) Any drug or device approved by the United States food and drug administration to prevent pregnancy is a contraceptive for the purposes of this section.

(4) A religious employer is exempt from the requirements of this section with respect to a prescription drug benefit program or other health insurance coverage it provides to its employees. To qualify as a religious employer for the purposes of this section, an employer must:

- (a) have as its primary purpose the inculcation of religious values;
- (b) primarily employ individuals who share the religious tenets of the employer;
- (c) primarily serve individuals who share the religious tenets of the employer; and
- (d) be a nonprofit organization under section 6033(a)(3)(A)(i) or (a)(3)(A)(iii) of the Internal Revenue

Code, 26 U.S.C. 6033.

**Section 2.** Section 33-31-111, MCA, is amended to read:



1           **"33-31-111. Statutory construction and relationship to other laws.** (1) Except as otherwise provided  
2 in this chapter, the insurance or health service corporation laws do not apply to a health maintenance organization  
3 authorized to transact business under this chapter. This provision does not apply to an insurer or health service  
4 corporation licensed and regulated pursuant to the insurance or health service corporation laws of this state  
5 except with respect to its health maintenance organization activities authorized and regulated pursuant to this  
6 chapter.

7           (2) Solicitation of enrollees by a health maintenance organization granted a certificate of authority or its  
8 representatives is not a violation of any law relating to solicitation or advertising by health professionals.

9           (3) A health maintenance organization authorized under this chapter is not practicing medicine and is  
10 exempt from Title 37, chapter 3, relating to the practice of medicine.

11           (4) This chapter does not exempt a health maintenance organization from the applicable certificate of  
12 need requirements under Title 50, chapter 5, parts 1 and 3.

13           (5) This section does not exempt a health maintenance organization from the prohibition of pecuniary  
14 interest under 33-3-308 or the material transaction disclosure requirements under 33-3-701 through 33-3-704.  
15 A health maintenance organization must be considered an insurer for the purposes of 33-3-308 and 33-3-701  
16 through 33-3-704.

17           (6) This section does not exempt a health maintenance organization from:

18           (a) prohibitions against interference with certain communications as provided under Title 33, chapter 1,  
19 part 8;

20           (b) the provisions of Title 33, chapter 22, part 19;

21           (c) the requirements of 33-22-134 and 33-22-135;

22           (d) network adequacy and quality assurance requirements provided under chapter 36; or

23           (e) the requirements of Title 33, chapter 18, part 9.

24           (7) Title 33, chapter 1, parts 12 and 13, Title 33, chapter 2, part 19, 33-2-1114, 33-2-1211, 33-2-1212,  
25 33-3-401, 33-3-422, 33-3-431, 33-15-308, Title 33, chapter 17, Title 33, chapter 19, 33-22-107, 33-22-129,  
26 33-22-131, 33-22-136, 33-22-137, 33-22-138, [section 1], 33-22-141, 33-22-142, 33-22-152, 33-22-153,  
27 33-22-156 through 33-22-159, 33-22-244, 33-22-246, 33-22-247, 33-22-514, 33-22-515, 33-22-521, 33-22-523,  
28 33-22-524, 33-22-526, 33-22-706], and Title 33, chapter 40, part 1,] apply to health maintenance organizations.  
29 (Bracketed language in (7) terminates December 31, 2017--sec. 14, Ch. 363, L. 2013.)"

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