

# HOUSE BILL No. 5761

June 9, 2016, Introduced by Reps. Pagan and Chang and referred to the Committee on Insurance.

A bill to amend 1956 PA 218, entitled  
"The insurance code of 1956,"  
(MCL 500.100 to 500.8302) by adding section 3406t.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           SEC. 3406T. (1) AN EXPENSE-INCURRED HOSPITAL, MEDICAL, OR  
2 SURGICAL GROUP OR INDIVIDUAL POLICY OR CERTIFICATE DELIVERED,  
3 ISSUED FOR DELIVERY, OR RENEWED IN THIS STATE THAT PROVIDES  
4 COVERAGE FOR PRESCRIPTION DRUGS AND A HEALTH MAINTENANCE  
5 ORGANIZATION GROUP OR INDIVIDUAL CONTRACT THAT PROVIDES COVERAGE  
6 FOR PRESCRIPTION DRUGS SHALL INCLUDE COVERAGE FOR BOTH OF THE  
7 FOLLOWING:

8           (A) PRESCRIPTION CONTRACEPTIVES.

9           (B) IF COVERED FOR OTHER PRESCRIPTION DRUGS UNDER THE POLICY,  
10 CERTIFICATE, OR CONTRACT, OUTPATIENT CONSULTATIONS, EXAMINATIONS,  
11 PROCEDURES, AND MEDICAL SERVICES THAT ARE NECESSARY TO PRESCRIBE,

1 DISPENSE, DELIVER, DISTRIBUTE, ADMINISTER, OR REMOVE A PRESCRIPTION  
2 CONTRACEPTIVE.

3 (2) THE COVERAGE REQUIRED UNDER SUBSECTION (1) SHALL PROVIDE  
4 COVERAGE FOR THE DISPENSING OF PRESCRIPTION CONTRACEPTIVES INTENDED  
5 TO LAST FOR THE FOLLOWING TIME PERIODS:

6 (A) IF THE PRESCRIPTION CONTRACEPTIVE IS BEING DISPENSED FOR  
7 THE FIRST TIME TO THE INSURED OR ENROLLEE, A 3-MONTH PERIOD.

8 (B) IF THE PRESCRIPTION CONTRACEPTIVE IS BEING DISPENSED A  
9 SECOND OR SUBSEQUENT TIME TO THE INSURED OR ENROLLEE, A 12-MONTH  
10 PERIOD REGARDLESS OF WHETHER THE INSURED OR ENROLLEE WAS COVERED  
11 UNDER THE POLICY, PLAN, OR CERTIFICATE AT THE TIME OF THE FIRST  
12 DISPENSING.

13 (3) COVERAGE UNDER SUBSECTION (1) MAY BE SUBJECT TO PROVISIONS  
14 OF THE POLICY, CERTIFICATE, OR CONTRACT THAT APPLY EQUALLY TO OTHER  
15 PRESCRIPTION DRUGS COVERED BY THE POLICY, CERTIFICATE, OR CONTRACT,  
16 INCLUDING, BUT NOT LIMITED TO, REQUIRED COPAYMENTS, DEDUCTIBLES,  
17 AND COINSURANCE.

18 (4) THIS SECTION DOES NOT APPLY TO A RELIGIOUS EMPLOYER THAT  
19 PROVIDES GROUP HEALTH COVERAGE TO ITS EMPLOYEES.

20 (5) AS USED IN THIS SECTION:

21 (A) "PRESCRIPTION CONTRACEPTIVE" MEANS A DRUG OR DEVICE THAT  
22 REQUIRES A PRESCRIPTION AND IS APPROVED BY THE UNITED STATES FOOD  
23 AND DRUG ADMINISTRATION TO PREVENT PREGNANCY.

24 (B) "RELIGIOUS EMPLOYER" MEANS AN EMPLOYER THAT MEETS ALL OF  
25 THE FOLLOWING:

26 (i) THE EMPLOYER'S PURPOSE IS THE INCULCATION OF RELIGIOUS  
27 VALUES.

1           (ii) THE EMPLOYER PRIMARILY EMPLOYS PERSONS WHO SHARE THE  
2 RELIGIOUS TENETS OF THE EMPLOYER.

3           (iii) THE EMPLOYER PRIMARILY SERVES PERSONS WHO SHARE THE  
4 RELIGIOUS TENETS OF THE EMPLOYER.

5           (iv) THE EMPLOYER IS A NONPROFIT ORGANIZATION THAT IS EXEMPT  
6 FROM FILING UNDER SECTION 6033(A) (3) (A) (i) OR (iii) OF THE INTERNAL  
7 REVENUE CODE OF 1986, 26 USC 6033.

8           Enacting section 1. This amendatory act applies to policies,  
9 certificates, and contracts delivered, executed, issued, amended,  
10 adjusted, or renewed in this state, or outside of this state if  
11 covering residents of this state, beginning 90 days after the date  
12 this amendatory act is enacted into law.