

Amendment - 1st Reading/2nd House-blue - Requested by: Alice Buckley - (S) Business, Labor, and Economic Affairs

- 2023

68th Legislature 2023

Drafter: Sue O'Connell, 406-444-3597

HB0302.003.001

1 HOUSE BILL NO. 302
2 INTRODUCED BY A. BUCKLEY, M. CAFERRO, C. KNUDSEN, R. KNUDSEN, E. KERR-CARPENTER, K.
3 BOGNER, J. KASSMIER, K. ZOLNIKOV, C. SPRUNGER
4
5 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING INSURANCE COVERAGE OF A 12-MONTH SUPPLY
6 OF PRESCRIPTION CONTRACEPTIVES; AMENDING SECTIONS 33-22-101, 33-31-111, AND 33-35-306,
7 MCA; AND PROVIDING A DELAYED EFFECTIVE DATE AND AN APPLICABILITY DATE."

8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10
11 NEW SECTION. Section 1. Coverage of contraceptives. (1) Each group or individual disability
12 policy, certificate of insurance, or membership contract that is delivered, issued for delivery, renewed,
13 extended, or modified in this state that includes coverage for prescription contraceptives must provide
14 reimbursement for up to a 12-month supply of any covered drug, device, or product for contraception that is
15 prescribed and that has been approved by the U.S. food and drug administration.

16 ~~(2) — The coverage under this section must allow for an insured to receive up to a 12-month supply~~
17 ~~of a prescription contraceptive regardless of whether the insured was enrolled in the policy, certificate, or~~
18 ~~contract at the time the contraceptive was first prescribed or dispensed.~~

19 ~~(3)(2)~~ THE COVERAGE UNDER THIS SECTION MUST ALLOW THE INSURED TO RENEW AND REFILL A 12-MONTH
20 PRESCRIPTION A MINIMUM OF 60 DAYS BEFORE THE PRESCRIPTION EXPIRES.

21 ~~(3)~~(4)(3) The coverage under this section must allow the insured to receive the 12-month supply
22 at one time unless the insured requests less than a 12-month supply or a health care provider specifically
23 prescribes less than a 12-month supply.

24 ~~(4)~~(5)(4) If the insured's prescriber recommends a specific contraceptive drug, device, or
25 product approved by the U.S. food and drug administration based on medical necessity, the insurer shall defer
26 to the prescriber's determination and provide coverage for the prescribed contraceptive if the prescribed
27 contraceptive drug, device, or product is covered by the insurer.

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1 ~~(5)~~(6)~~(5)~~ Coverage required under this section may not:

2 (a) in the absence of clinical contraindications, impose utilization controls or other forms of medical
3 management to limit the supply of ~~contraceptives covered contraceptive drugs, devices, or products~~ that will be
4 reimbursed to less than a 12-month supply;

5 (b) require prior authorization for coverage of prescription contraceptives, EXCEPT TO REVIEW THE
6 MEDICAL NECESSITY OF PRESCRIBING A 12-MONTH SUPPLY OF A BRAND-NAME CONTRACEPTIVE INSTEAD OF A 12-MONTH
7 SUPPLY OF A GENERIC-NAME CONTRACEPTIVE;

8 (c) impose a waiting period for the coverage required under this section; or

9 (d) impose a special deductible, coinsurance, copayment, or other limitation on prescription
10 contraceptives covered under this section that are not generally applicable to other medical care covered under
11 the plan.

12

13 **Section 2.** Section 33-22-101, MCA, is amended to read:

14 **"33-22-101. Exceptions to scope.** (1) Subject to subsection (2), parts 1 through 4 of this chapter,
15 except 33-22-107, 33-22-110, 33-22-111, 33-22-114, 33-22-125, 33-22-129, 33-22-130 through 33-22-136, 33-
16 22-138, 33-22-140, 33-22-141, 33-22-142, 33-22-153, 33-22-243, and 33-22-304, and part 19 of this chapter do
17 not apply to or affect:

18 (a) any policy of liability or workers' compensation insurance with or without supplementary
19 expense coverage;

20 (b) any group or blanket policy;

21 (c) life insurance, endowment, or annuity contracts or supplemental contracts that contain only
22 those provisions relating to disability insurance that:

23 (i) provide additional benefits in case of death or dismemberment or loss of sight by accident or
24 accidental means; or

25 (ii) operate to safeguard contracts against lapse or to give a special surrender value or special
26 benefit or an annuity if the insured or annuitant becomes totally and permanently disabled as defined by the
27 contract or supplemental contract;