

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

ENROLLED

Committee Substitute

for

House Bill 4198

BY DELEGATES PYLES, PUSHKIN,

LAVENDER-BOWE AND S. BROWN

[Passed March 7, 2020; in effect ninety days from passage.]

1 AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §5-16-28; to amend said code by adding thereto a new section, designated
3 §33-15-4u; to amend said code by adding thereto a new section, designated §33-16-3ff;
4 to amend said code by adding thereto a new section, designated §33-24-7u; to amend
5 said code by adding thereto a new section, designated §33-25-8r; to amend said code by
6 adding thereto a new section, designated §33-25A-8u; and to amend said code by adding
7 thereto a new section, designated §33-53-1, all relating to permitting a person to obtain a
8 12-month supply of contraceptive drugs; incorporating these provisions into the West
9 Virginia Public Employees Insurance Act; and incorporating these provisions into the
10 sections of insurance code.

Be it enacted by the Legislature of West Virginia:

**CHAPTER 5. GENERAL POWERS AND AUTHORITY OF THE
GOVERNOR, SECRETARY OF STATE, AND ATTORNEY GENERAL;
BOARD OF PUBLIC WORKS; MISCELLANEOUS AGENCIES,
COMMISSIONS, OFFICES, PROGRAMS, ETC.**

ARTICLE 16. WEST VIRGINIA PUBLIC EMPLOYEES INSURANCE ACT.

§5-16-28. Incorporation of the coverage for 12-month refill for contraceptive drugs.

1 The provision requiring coverage for 12-month refill for contraceptive drugs codified at
2 §33-53-1 of this code is made applicable to the provisions of this article.

CHAPTER 33. INSURANCE.

ARTICLE 15. ACCIDENT AND SICKNESS INSURANCE.

§33-15-4u. Incorporation of the coverage for 12-month refill for contraceptive drugs.

1 The provision requiring coverage for 12-month refill for contraceptive drugs codified at
2 §33-53-1 of this code is made applicable to the provisions of this article.

ARTICLE 16. GROUP ACCIDENT AND SICKNESS INSURANCE.

§33-16-3ff. Incorporation of the coverage for 12-month refill for contraceptive drugs.

1 The provision requiring coverage for 12-month refill for contraceptive drugs codified at
2 §33-53-1 of this code is made applicable to the provisions of this article.

ARTICLE 24. HOSPITAL SERVICE CORPORATIONS, MEDICAL SERVICE CORPORATIONS, DENTAL SERVICE CORPORATIONS, AND HEALTH SERVICE CORPORATIONS.

§33-24-7u. Incorporation of the coverage for 12-month refill for contraceptive drugs.

1 The provision requiring coverage for 12-month refill for contraceptive drugs codified at
2 §33-53-1 of this code is made applicable to the provisions of this article.

ARTICLE 25. HEALTH CARE CORPORATIONS.

§33-25-8r. Incorporation of the coverage for 12-month refill for contraceptive drugs.

1 The provision requiring coverage for 12-month refill for contraceptive drugs codified at
2 §33-53-1 of this code is made applicable to the provisions of this article.

ARTICLE 25A. HEALTH MAINTENANCE ORGANIZATION ACT.

§33-25A-8u. Incorporation of the coverage for 12-month refill for contraceptive drugs.

1 The provision requiring coverage for 12-month refill for contraceptive drugs codified at
2 §33-53-1 of this code is made applicable to the provisions of this article.

ARTICLE 53. REQUIRED COVERAGE FOR HEALTH INSURANCE.

§33-53-1. Coverage and dispensing birth control.

1 (a) Notwithstanding a prohibition or limitation contained within the provisions of §33-1-1 *et*
2 *seq.* and §5-16-1 of this code an insurer subject to §5-16-1 *et seq.*, §33-15-1 *et seq.*, §33-16-1 *et*
3 *seq.*, §33-24-1 *et seq.*, §33-25-1 *et seq.*, and §33-25A-1 of this code which amends, renews, or
4 delivers a health policy on or after January 1, 2021, that provides coverage for contraceptive
5 drugs, shall provide coverage for a 12-month refill of contraceptive drugs obtained at one time by

6 the insured after the insured has completed the initial supply of the drugs, unless the insured
7 requests a smaller supply or the prescribing provider instructs that the insured must receive a
8 smaller supply. A health benefit plan that provides coverage shall allow the insured to receive the
9 contraceptive drugs on-site at the provider's office, if available, and dispensing practices must
10 follow all clinical guidelines for appropriate prescribing and dispensing to ensure the health of the
11 patient while maximizing access to effective contraceptive drugs.

12 (b) A health benefit plan that provides coverage for hormonal contraceptives, in the
13 absence of clinical contraindications, may not impose utilization controls or other forms of medical
14 management limiting the supply of contraceptive drugs that may be dispensed or furnished by a
15 provider or pharmacy, or at a location licensed or otherwise authorized to dispense drugs or
16 supplies, to an amount that is less than a 12-month supply.

17 (c) This section does not exclude coverage for contraceptive drugs as prescribed by a
18 provider for reasons other than contraceptive purposes, such as decreasing the risk of ovarian
19 cancer or eliminating symptoms of menopause, or for contraception that is necessary to preserve
20 the life or health of an enrollee.

21 (d) Nothing in this section requires a health benefit plan to cover contraceptive drugs
22 provided by a provider, pharmacy, or at a location authorized to dispense drugs or supplies, that
23 does not participate in the health benefit plan's provider or pharmacy network, as applicable,
24 except as may be otherwise authorized or required by state law or by the plan's policies governing
25 out-of-network coverage.

26 (e) For purposes of this section, the term "contraceptive drugs" means all drugs approved
27 by the United States Food and Drug Administration that are used to prevent pregnancy, including,
28 but not limited to, hormonal drugs administered orally, transdermally, and intravaginally.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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Chairman, House Committee

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Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

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Clerk of the House of Delegates

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Clerk of the Senate

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Speaker of the House of Delegates

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President of the Senate

The within this the.....
day of, 2020.

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Governor