

IN THE SENATE

SENATE BILL NO. 1260

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO INSURANCE; AMENDING CHAPTER 18, TITLE 41, IDAHO CODE, BY THE AD-  
2 DITION OF A NEW SECTION 41-1853, IDAHO CODE, TO DEFINE TERMS, TO PROVIDE  
3 REQUIREMENTS FOR HEALTH BENEFIT PLANS AND STUDENT HEALTH BENEFIT PLANS  
4 COVERING PRESCRIPTION CONTRACEPTION, AND TO PROVIDE THAT THE SECTION  
5 SHALL NOT BE CONSTRUED TO REQUIRE CERTAIN REIMBURSEMENT; AND DECLARING  
6 AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.  
7

8 Be It Enacted by the Legislature of the State of Idaho:

9 SECTION 1. That Chapter 18, Title 41, Idaho Code, be, and the same is  
10 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
11 ignated as Section 41-1853, Idaho Code, and to read as follows:

12 41-1853. PLANS COVERING CONTRACEPTION. (1) As used in this section:  
13 (a) "Health benefit plan" shall have the same meaning as provided in  
14 section 41-5501, Idaho Code.

15 (b) "Prescription contraception" means all drugs, devices, and prod-  
16 ucts approved by the United States food and drug administration that  
17 are used to prevent pregnancy and that are prescribed by an enrollee's  
18 provider. The term "prescription contraception" does not include  
19 drugs, devices, or products intended to induce abortion as defined by  
20 section 18-604, Idaho Code.

21 (2) A health benefit plan or student health benefit plan issued or re-  
22 newed on or after January 1, 2023, that includes coverage for prescription  
23 contraception must:

24 (a) Provide reimbursement for prescription contraception intended to  
25 last six (6) months obtained at one (1) time by the enrollee, unless:

26 (i) No prescription contraception has previously been prescribed  
27 to the enrollee, in which case the prescribing provider shall pre-  
28 scribe a smaller supply; or

29 (ii) The enrollee requests a smaller supply or the prescribing  
30 provider instructs that the enrollee must receive a smaller sup-  
31 ply; and

32 (b) Allow enrollees to receive prescription contraception on-site at  
33 the prescribing provider's office, if available. Any dispensing prac-  
34 tices required by the plan must follow clinical guidelines for appro-  
35 priate prescribing and dispensing to ensure the health of the patient  
36 while maximizing access to effective prescription contraception.

37 (3) Nothing in this section shall be construed to require a health  
38 benefit plan or a student health benefit plan to provide reimbursement for  
39 drugs, devices, or products intended to induce abortion as defined in sec-  
40 tion 18-604, Idaho Code, or for any emergency contraception approved by the  
41 United States food and drug administration.

1           SECTION 2. An emergency existing therefor, which emergency is hereby  
2 declared to exist, this act shall be in full force and effect on and after  
3 July 1, 2022.