

**CONTRACEPTIVE EQUITY AMENDMENTS**

2021 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Rosemary T. Lesser**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill creates the Contraceptive Equity Act.

**Highlighted Provisions:**

This bill:

▶ provides that insurance plans shall provide access to FDA approved contraceptive drugs, devices, and products;

▶ affects deductibles, coinsurance, copayments, or other cost-sharing requirements;

and

▶ allows a religious employer to request a plan without contraceptive coverage.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

ENACTS:

**31A-22-656**, Utah Code Annotated 1953

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **31A-22-656** is enacted to read:

**31A-22-656. Contraceptive Equity Act.**



- 28           (1) This section is known as the Contraceptive Equity Act.
- 29           (2) As used in this section:
- 30           (a) "FDA" means the federal Food and Drug Administration.
- 31           (b) "Health benefit plan" means the same as that term is defined in Section [31A-1-301](#).
- 32           (c) "Provider" means an individual who is currently licensed as:
- 33           (i) a physician or surgeon under Title 58, Chapter 67, Utah Medical Practice Act;
- 34           (ii) an osteopathic physician or surgeon under Title 58, Chapter 68, Utah Osteopathic
- 35 Medical Practice Act;
- 36           (iii) a physician assistant under Title 58, Chapter 70a, Physician Assistant Act;
- 37           (iv) a nurse practitioner under Title 58, Chapter 31b, Nurse Practice Act; or
- 38           (v) a pharmacist under Title 58, Chapter 17b, Pharmacy Practice Act, if the individual
- 39 is acting within the scope of practice for a pharmacist pursuant to Title 26, Chapter 64, Family
- 40 Planning Access Act.
- 41           (d) "Religious employer" means an organization that is organized and operates as a
- 42 nonprofit entity and is referred to in Section 6033(a)(3)(A)(i) or (iii) of the Internal Revenue
- 43 Code of 1986, as amended.
- 44           (4) A health benefit plan issued, amended, renewed, effective or delivered on or after
- 45 January 1, 2022, shall provide coverage for all of the following:
- 46           (a) all FDA-approved contraceptive drugs, devices, and other products, including
- 47 those prescribed by the covered person's provider or as otherwise authorized under state or
- 48 federal law, including all FDA-approved over-the-counter contraceptive drugs, devices, and
- 49 products, taking the following into consideration:
- 50           (i) the insurer shall include either the original FDA-approved prescription
- 51 contraceptive drug, device, or product or at least one of its therapeutic equivalents if the FDA
- 52 has designated a therapeutic equivalent of an FDA-approved prescription contraceptive drug,
- 53 device, or product, but if there is no therapeutic equivalent, the insurer shall include the
- 54 original;
- 55           (ii) the insurer shall defer to the determination and judgment of the attending provider
- 56 and provide coverage for an alternate prescribed contraceptive drug, device, or product if the
- 57 covered contraceptive drug, device, or product is considered medically inadvisable by the
- 58 covered person's provider; and

59 (iii) the single dispensing of a 13-unit supply of contraceptives intended to last over a  
60 12-month duration, which may be furnished or dispensed all at once or over the course of the  
61 12 months at the discretion of the health care provider, shall be covered and the insurer shall  
62 reimburse a health care provider or dispensing entity per unit for furnishing or dispensing an  
63 extended supply of contraceptives;

64 (b) voluntary sterilization procedures;

65 (c) patient education and counseling on contraception; and

66 (d) follow-up services related to the drugs, devices, products, and procedures covered  
67 under this section, including management of side effects, counseling for continued adherence,  
68 and device insertion and removal.

69 (5) An insurer subject to this section may not:

70 (a) impose a deductible, coinsurance, copayment, or any other cost-sharing  
71 requirement on the coverage provided pursuant to this section;

72 (b) require a prescription to trigger coverage of over-the-counter contraceptive drugs,  
73 devices, and products, approved by the federal Food and Drug Administration; or

74 (c) impose any restrictions or delays on the coverage required under this section,  
75 except as otherwise authorized under this section.

76 (6) Coverage required by this section shall include reimbursement to a pharmacist who  
77 dispenses or provides patient counseling on contraceptive supplies pursuant to Title 26,  
78 Chapter 64, Family Planning Access Act.

79 (7) Benefits for an enrollee under this section shall be the same for an enrollee's  
80 covered spouse and covered nonspouse dependents.

81 (8) A religious employer may request a health benefit plan contract without coverage  
82 for FDA approved contraceptive methods used for contraceptive purposes that are contrary to  
83 the religious employer's religious tenets. If requested, a health benefit plan contract may be  
84 provided without coverage for contraceptive methods. Each religious employer that invokes the  
85 exemption provided under this subsection shall provide written notice to prospective enrollees  
86 prior to enrollment with the plan, listing the contraceptive health care services the employer  
87 will not cover for religious reasons.

88 (9) Nothing in this section may be construed to exclude coverage for contraceptive  
89 supplies as prescribed by a provider, acting within his or her scope of practice, for medical

90 reasons other than contraceptive purposes, or for contraception that is necessary to preserve the  
91 life or health of an enrollee.

92 (10) Nothing in this section may be construed to require a health benefit plan contract  
93 to cover experimental or investigational treatments.