

## HOUSE BILL No. 2284

By Representatives Trimmer, Alcala, Ballard, Bridges, Carlin, Finney, Henderson, Henry, Houston, Kuether, Lane, Lusk, Menghini, Pauls, Peterson, Ruiz, Sawyer, Sloop, Tietze, Weigel, Wilson, Winn and Wolfe Moore

2-11

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1 AN ACT concerning health insurance; pertaining to prescription drug  
2 coverage; amending K.S.A. 2012 Supp. 40-2,103 and 40-19c09 and  
3 repealing the existing sections.  
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5 *Be it enacted by the Legislature of the State of Kansas:*

6 New Section 1. (a) (1) Any individual or group health insurance  
7 policy, medical service plan, contract, hospital service corporation  
8 contract, hospital and medical service corporation contract, fraternal  
9 benefit society or health maintenance organization which provides  
10 coverage for accident and health services and which is delivered, issued  
11 for delivery, amended or renewed on or after July 1, 2013, which provides  
12 coverage for prescription drugs shall permit each insured covered by such  
13 individual or group health insurance policy, medical service plan, contract,  
14 hospital service corporation contract, hospital and medical service  
15 corporation contract, fraternal benefit society or health maintenance  
16 organization to fill any mail order covered prescription, at such insured's  
17 option, at any mail order pharmacy or network participating non-mail  
18 order retail pharmacy if such network participating non-mail order retail  
19 pharmacy offers to accept a price that is comparable to the price of the  
20 mail order pharmacy. Any individual or group health insurance policy,  
21 medical service plan, contract, hospital service corporation contract,  
22 hospital and medical service corporation contract, fraternal benefit society  
23 or health maintenance organization which provides coverage for  
24 prescription drugs shall not impose a co-payment fee or other condition on  
25 any insured who elects to purchase drugs from a network participating  
26 non-mail order retail pharmacy which is not also imposed on an insured  
27 who elects to purchase drugs from a designated mail order pharmacy.

28 (2) Such coverage may be subject to appropriate annual deductibles  
29 and coinsurance provisions as are consistent with those established for  
30 other physical illness benefits under the state employees health plan.

31 (b) This section shall not be construed as limiting benefits that are  
32 otherwise available to an individual under any individual or group health  
33 insurance policy, medical service plan, contract, hospital service  
34 corporation contract, hospital and medical service corporation contract,

1 fraternal benefit society or health maintenance organization which  
2 provides coverage for accident and health services.

3 (c) The provisions of this section shall be applicable to the Kansas  
4 state employees health care benefits program and municipal funded pools.

5 (d) The provisions of this section shall not apply to any policy or  
6 certificate which provides coverage for any specified disease, specified  
7 accident or accident only coverage, credit, dental, disability income,  
8 hospital indemnity, long-term care insurance as defined by K.S.A. 40-  
9 2227, and amendments thereto, vision care or any other limited  
10 supplemental benefit nor to any medicare supplement policy of insurance  
11 as defined by the commissioner of insurance by rule and regulation, any  
12 coverage issued as a supplement to liability insurance, workers'  
13 compensation or similar insurance, automobile medical-payment insurance  
14 or any insurance under which benefits are payable with or without regard  
15 to fault, whether written on a group, blanket or individual basis.

16 (e) The provisions of K.S.A. 40-2249a, and amendments thereto,  
17 shall not apply to the provisions of this section.

18 Sec. 2. K.S.A. 2012 Supp. 40-2,103 is hereby amended to read as  
19 follows: 40-2,103. The requirements of K.S.A. 40-2,100, 40-2,101, 40-  
20 2,102, 40-2,104, 40-2,105, 40-2,114, 40-2,160, 40-2,165 through 40-2,170,  
21 inclusive, 40-2250, K.S.A. 2012 Supp. 40-2,105a, 40-2,105b, 40-2,184  
22 ~~and~~, 40-2,190 *and section 1*, and amendments thereto, shall apply to all  
23 insurance policies, subscriber contracts or certificates of insurance  
24 delivered, renewed or issued for delivery within or outside of this state or  
25 used within this state by or for an individual who resides or is employed in  
26 this state.

27 Sec. 3. K.S.A. 2012 Supp. 40-19c09 is hereby amended to read as  
28 follows: 40-19c09. (a) Corporations organized under the nonprofit medical  
29 and hospital service corporation act shall be subject to the provisions of  
30 the Kansas general corporation code, articles 60 to 74, inclusive, of  
31 chapter 17 of the Kansas Statutes Annotated, and amendments thereto,  
32 applicable to nonprofit corporations, to the provisions of K.S.A. 40-214,  
33 40-215, 40-216, 40-218, 40-219, 40-222, 40-223, 40-224, 40-225, 40-226,  
34 40-229, 40-230, 40-231, 40-235, 40-236, 40-237, 40-247, 40-248, 40-249,  
35 40-250, 40-251, 40-252, 40-254, 40-2,100, 40-2,101, 40-2,102, 40-2,103,  
36 40-2,104, 40-2,105, 40-2,116, 40-2,117, 40-2,153, 40-2,154, 40-2,160, 40-  
37 2,161, 40-2,163 through 40-2,170, inclusive, 40-2a01 et seq., 40-2111 to  
38 40-2116, inclusive, 40-2215 to 40-2220, inclusive, 40-2221a, 40-2221b,  
39 40-2229, 40-2230, 40-2250, 40-2251, 40-2253, 40-2254, 40-2401 to 40-  
40 2421, inclusive, and 40-3301 to 40-3313, inclusive, K.S.A. 2012 Supp. 40-  
41 2,105a, 40-2,105b, 40-2,184 ~~and~~, 40-2,190 *and section 1*, and amendments  
42 thereto, except as the context otherwise requires, and shall not be subject  
43 to any other provisions of the insurance code except as expressly provided

1 in this act.

2 (b) No policy, agreement, contract or certificate issued by a  
3 corporation to which this section applies shall contain a provision which  
4 excludes, limits or otherwise restricts coverage because medicaid benefits  
5 as permitted by title XIX of the social security act of 1965 are or may be  
6 available for the same accident or illness.

7 (c) Violation of subsection (b) shall be subject to the penalties  
8 prescribed by K.S.A. 40-2407 and 40-2411, and amendments thereto.

9 Sec. 4. K.S.A. 2012 Supp. 40-2,103 and 40-19c09 are hereby  
10 repealed.

11 Sec. 5. This act shall take effect and be in force from and after its  
12 publication in the statute book.