

HOUSE BILL No. 2460

By Representative Coleman

12-17

1 AN ACT concerning insurance; relating to health insurance plans;
2 mandating coverage of certain diagnostic services for breast cancer;
3 making and concerning appropriations for fiscal years ending June 30,
4 2022, June 30, 2023, and June 30, 2024, for the university of Kansas
5 medical center; enacting Samantha's law; amending K.S.A. 40-2,103
6 and 40-19c09 and repealing the existing sections.
7

8 *Be it enacted by the Legislature of the State of Kansas:*

9 New Section 1. (a) The provisions of this section shall be known
10 and may be cited as Samantha's law.

11 (b) Any individual or group health insurance policy, medical service
12 plan, contract, hospital service corporation contract, hospital and medical
13 service corporation contract, fraternal benefit society or health
14 maintenance organization, municipal group-funded pool and the state
15 employee health care benefits plan that provides coverage for accident and
16 health services and that is delivered, issued for delivery, amended or
17 renewed on or after July 1, 2022, shall provide coverage for diagnostic: (1)
18 Mammograms; (2) ultrasounds; or (3) biopsies for breast cancer for
19 covered individuals 18 years of age or older.

20 (c) The provisions of this section shall not apply to any policy or
21 certificate that provides coverage for any specified disease, specified
22 accident or accident only coverage, credit, dental, disability income,
23 hospital indemnity, long-term care insurance as defined by K.S.A. 40-
24 2227, and amendments thereto, vision care or any other limited
25 supplemental benefit or to any medicare supplement policy of insurance as
26 defined by the commissioner of insurance by rules and regulations, any
27 coverage issued as a supplement to liability insurance, workers
28 compensation or similar insurance, automobile medical-payment insurance
29 or any insurance under which benefits are payable with or without regard
30 to fault, whether written on a group, blanket or individual basis.

31 (d) As used in this section, "diagnostic mammograms, ultrasounds or
32 biopsies" means a medically necessary and appropriate mammogram,
33 ultrasound or biopsy, as determined by a duly authorized healthcare
34 professional treating the insured for breast cancer to evaluate an
35 abnormality in the breast that has been seen or suspected from a screening
36 examination for breast cancer, detected by another means of examination

1 or suspected based on the covered individual's medical or family history.

2 (e) The provisions of K.S.A. 40-2248 through 40-2249a, and
3 amendments thereto, shall apply to this section.

4 New Sec. 2.

5 UNIVERSITY OF KANSAS MEDICAL CENTER

6 (a) There is appropriated for the above agency from the state general
7 fund for the fiscal year ending June 30, 2022, the following:

8 Metastatic breast cancer research.....\$666,666.66

9 New Sec. 3.

10 UNIVERSITY OF KANSAS MEDICAL CENTER

11 (a) There is appropriated for the above agency from the state general
12 fund for the fiscal year ending June 30, 2023, the following:

13 Metastatic breast cancer research.....\$666,666.67

14 (b) During the fiscal year ending June 30, 2023, in addition to the
15 other purposes for which expenditures may be made by the university of
16 Kansas medical center from moneys appropriated from the state general
17 fund or from any special revenue fund or funds for fiscal year 2023 as
18 authorized by this or other appropriation act of the 2022 regular session of
19 the legislature, the university of Kansas medical center shall make
20 expenditures from such moneys to submit a report to the governor and the
21 legislature detailing the status of metastatic breast cancer research at the
22 university of Kansas medical center and an accounting of how the
23 university of Kansas cancer center has used moneys in the metastatic
24 breast cancer research account of the state general fund in fiscal year 2022
25 and year-to-date fiscal year 2023: *Provided*, That such report shall be filed
26 with the governor, the chief clerk of the house of representatives and the
27 secretary of the senate on or before January 9, 2023.

28 New Sec. 4.

29 UNIVERSITY OF KANSAS MEDICAL CENTER

30 (a) There is appropriated for the above agency from the state general
31 fund for the fiscal year ending June 30, 2024, the following:

32 Metastatic breast cancer research.....\$666,666.67

33 (b) During the fiscal year ending June 30, 2024, in addition to the
34 other purposes for which expenditures may be made by the university of
35 Kansas medical center from moneys appropriated from the state general
36 fund or from any special revenue fund or funds for fiscal year 2024 as
37 authorized by this or other appropriation act of the 2022 or 2023 regular
38 session of the legislature, the university of Kansas medical center shall
39 make expenditures from such moneys to submit a report to the governor
40 and the legislature detailing the status of metastatic breast cancer research
41 at the university of Kansas medical center and an accounting of how the
42 university of Kansas cancer center has used moneys in the metastatic
43 breast cancer research account of the state general fund in fiscal year 2023

1 and year-to-date fiscal year 2024: *Provided*, That such report shall be filed
2 with the governor, the chief clerk of the house of representatives and the
3 secretary of the senate on or before January 8, 2024.

4 Sec. 5. K.S.A. 40-2,103 is hereby amended to read as follows: 40-
5 2,103. The requirements of K.S.A. 40-2,100, 40-2,101, 40-2,102, 40-
6 2,104, 40-2,105, ~~40-2,105a, 40-2,105b~~, 40-2,114, 40-2,160, 40-2,165
7 through 40-2,170, ~~40-2250, K.S.A. 40-2,105a, 40-2,105b~~, 40-2,184, 40-
8 2,190, 40-2,194 ~~and~~, 40-2,210 through 40-2,216, ~~40-2250 and section 1~~,
9 and amendments thereto, shall apply to all insurance policies, subscriber
10 contracts or certificates of insurance delivered, renewed or issued for
11 delivery within or outside of this state or used within this state by or for an
12 individual who resides or is employed in this state.

13 Sec. 6. K.S.A. 40-19c09 is hereby amended to read as follows: 40-
14 19c09. (a) Corporations organized under the nonprofit medical and
15 hospital service corporation act shall be subject to the provisions of the
16 Kansas general corporation code, articles 60 through 74 of chapter 17 of
17 the Kansas Statutes Annotated, and amendments thereto, applicable to
18 nonprofit corporations, to the provisions of K.S.A. 40-214, 40-215, 40-
19 216, 40-218, 40-219, 40-222, 40-223, 40-224, 40-225, 40-229, 40-230, 40-
20 231, 40-235, 40-236, 40-237, 40-247, 40-248, 40-249, 40-250, 40-251, 40-
21 252, 40-2,100, 40-2,101, 40-2,102, 40-2,103, 40-2,104, 40-2,105, ~~40-
22 2,105a, 40-2,105b~~, 40-2,116, 40-2,117, 40-2,125, 40-2,153, 40-2,154, 40-
23 2,160, 40-2,161, 40-2,163 through 40-2,170, ~~40-2,184, 40-2,190, 40-
24 2,194, 40-2,210 through 40-2,216~~, 40-2a01 et seq., 40-2111 through 40-
25 2116, 40-2215 through 40-2220, 40-2221a, 40-2221b, 40-2229, 40-2230,
26 40-2250, 40-2251, 40-2253, 40-2254, 40-2401 through 40-2421, and 40-
27 3301 through 40-3313 and ~~K.S.A. 40-2,105a, 40-2,105b, 40-2,184, 40-
28 2,190, 40-2,194 and 40-2,210 through 40-2,216~~ *section 1*, and
29 amendments thereto, except as the context otherwise requires, and shall
30 not be subject to any other provisions of the insurance code except as
31 expressly provided in this act.

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

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

39 Sec. 7. K.S.A. 40-2,103 and 40-19c09 are hereby repealed.

40 Sec. 8. This act shall take effect and be in force from and after its
41 publication in the Kansas register.