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HOUSE BILL 293

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

Mimi Stewart

AN ACT

RELATING TO INSURANCE; PROVIDING COVERAGE FOR PRESCRIPTION  
CONTRACEPTIVE DRUGS OR DEVICES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the New Mexico Insurance  
Code, Section 59A-22-42 NMSA 1978, is enacted to read:

"59A-22-42. [NEW MATERIAL] COVERAGE FOR PRESCRIPTION  
CONTRACEPTIVE DRUGS OR DEVICES. --

A. Each individual and group health insurance  
policy, health care plan and certificate of health insurance  
delivered or issued for delivery in this state, and which  
offers a prescription drug benefit, shall provide coverage for  
prescription contraceptive drugs or devices.

B. Coverage for prescription contraceptive drugs  
or devices may be subject to deductibles and coinsurance

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1 consistent with those imposed on other benefits under the same  
2 policy, plan or certificate.

3 C. The provisions of this section shall not apply  
4 to short-term travel, accident-only or limited or specified-  
5 disease policies. "

6 Section 2. Section 59A-23-4 NMSA 1978 (being Laws 1984,  
7 Chapter 127, Section 463, as amended by Laws 1997, Chapter 7,  
8 Section 2 and by Laws 1997, Chapter 249, Section 2 and by Laws  
9 1997, Chapter 250, Section 2 and also by Laws 1997, Chapter  
10 255, Section 2) is amended to read:

11 "59A-23-4. OTHER PROVISIONS APPLICABLE. --

12 A. No blanket or group health insurance policy or  
13 contract shall contain any provision relative to notice or  
14 proof of loss or the time for paying benefits or the time  
15 within which suit may be brought upon the policy that in the  
16 superintendent's opinion is less favorable to the insured than  
17 would be permitted in the required or optional provisions for  
18 individual health insurance policies as set forth in Chapter  
19 59A, Article 22 NMSA 1978.

20 B. The following provisions of Chapter 59A,  
21 Article 22 NMSA 1978 shall also apply as to Chapter 59A,  
22 Article 23 NMSA 1978 and blanket and group health insurance  
23 contracts:

24 (1) Section 59A-22-1 NMSA 1978, except  
25 Subsection C of that section; and

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(2) Section 59A-22-32 NMSA 1978.

C. The following provisions of Chapter 59A, Article 22 NMSA 1978 shall also apply as to group health insurance contracts:

- (1) Section 59A-22-33 NMSA 1978;
- (2) Section 59A-22-34 NMSA 1978;
- (3) Section 59A-22-34.1 NMSA 1978;
- (4) Section 59A-22-34.3 NMSA 1978;
- ~~(4)~~ (5) Section 59A-22-35 NMSA 1978;
- ~~(5)~~ (6) Section 59A-22-36 NMSA 1978;
- ~~(6)~~ (7) Section 59A-22-39 NMSA 1978;
- (8) Section 59A-22-39.1 NMSA 1978;
- ~~(7)~~ (9) Section 59A-22-40 NMSA 1978; [ and
- ~~(8)~~ (10) Section 59A-22-41 NMSA 1978; and
- (11) Section 59A-22-42 NMSA 1978. "

Section 3. A new section of the Health Maintenance Organization Law is enacted to read:

"[NEW MATERIAL] COVERAGE FOR PRESCRIPTION CONTRACEPTIVE DRUGS OR DEVICES. --

A. Each individual and group health maintenance organization contract delivered or issued for delivery in this state, and which offers a prescription drug benefit, shall provide coverage for prescription contraceptive drugs or devices.

B. Coverage for prescription contraceptive drugs

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1 or devices may be subject to deductibles and coinsurance  
2 consistent with those imposed on other benefits under the same  
3 contract. "

4 Section 4. Section 59A-47-33 NMSA 1978 (being Laws 1984,  
5 Chapter 127, Section 879.32, as amended) is amended to read:

6 "59A-47-33. OTHER PROVISIONS APPLICABLE. --The provisions  
7 of the Insurance Code other than Chapter 59A, Article 47 NMSA  
8 1978 shall not apply to health care plans except as expressly  
9 provided in the Insurance Code and that article. To the  
10 extent reasonable and not inconsistent with the provisions of  
11 that article, the following articles and provisions of the  
12 Insurance Code shall also apply to health care plans, their  
13 promoters, sponsors, directors, officers, employees, agents,  
14 solicitors and other representatives; and, for the purposes of  
15 such applicability, a health care plan may therein be referred  
16 to as an "insurer":

- 17 A. Chapter 59A, Article 1 NMSA 1978;
- 18 B. Chapter 59A, Article 2 NMSA 1978;
- 19 C. Chapter 59A, Article 4 NMSA 1978;
- 20 D. Subsection C of Section 59A-5-22 NMSA 1978;
- 21 E. Sections 59A-6-2 through 59A-6-4 and  
22 59A-6-6 NMSA 1978;
- 23 F. Section 59A-7-11 NMSA 1978;
- 24 G. Chapter 59A, Article 8 NMSA 1978;
- 25 H. Chapter 59A, Article 10 NMSA 1978;

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- 1 I. Section 59A-12-22 NMSA 1978;  
2 J. Chapter 59A, Article 16 NMSA 1978;  
3 K. Chapter 59A, Article 18 NMSA 1978;  
4 L. Chapter 59A, Article 19 NMSA 1978;  
5 M. Subsections B through E of Section  
6 59A-22-5 NMSA 1978;  
7 N. Section 59A-22-14 NMSA 1978;  
8 O. Section 59A-22-34.1 NMSA 1978;  
9 P. Section 59A-22-39 NMSA 1978;  
10 Q. Section 59A-22-40 NMSA 1978;  
11 R. Section 59A-22-41 NMSA 1978;  
12 S. Section 59A-22-42 NMSA 1978;  
13 [~~S.~~] T. Sections 59A-34-9 through 59A-34-13 and  
14 59A-34-23 NMSA 1978;  
15 [~~T.~~] U. Chapter 59A, Article 37 NMSA 1978, except  
16 Section 59A-37-7 NMSA 1978;  
17 [~~U.~~] V. Section 59A-46-15 NMSA 1978; and  
18 [~~V.~~] W. the Patient Protection Act. "

19 Section 5. APPLICABILITY. --The provisions of this act  
20 apply to policies, plans, contracts and certificates delivered  
21 or issued for delivery or renewed, extended or amended in this  
22 state on or after July 1, 1999.

1 FORTY-FOURTH LEGISLATURE

2 FIRST SESSION, 1999

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5  
6 February 16, 1999

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8 Mr. Speaker:

9  
10 Your BUSINESS AND INDUSTRY COMMITTEE, to whom has  
11 been referred

12  
13 HOUSE BILL 293

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15 has had it under consideration and reports same with  
16 recommendation that it DO PASS, amended as follows:

17 1. On page 1, line 22, strike "provide", insert in lieu  
18 thereof "offer".

19  
20 2. On page 3, line 23, strike "provide", insert in lieu  
21 thereof "offer".,

22 and thence referred to the JUDICIARY COMMITTEE.  
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FORTY-FOURTH LEGISLATURE  
FIRST SESSION, 1999

HBIC/HB 293

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Respectfully submitted,

Debbie A. Rodella, Chairwoman

Adopted \_\_\_\_\_  
(Chief Clerk)

Not Adopted \_\_\_\_\_  
(Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 10 For 1 Against

Yes: 10

No: Hanosh

Excused: Sanchez

Absent: None

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J: \99BillSWP\H0293

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1 FORTY- FOURTH LEGISLATURE  
2 FIRST SESSION, 1999

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4 February 22, 1999

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7 Mr. Speaker:

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9 Your JUDICIARY COMMITTEE, to whom has been referred

10 HOUSE BILL 293, as amended

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12 has had it under consideration and reports same with  
13 recommendation that it DO PASS.

14  
15 Respectfully submitted,

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20 R. David Pederson, Chairman  
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FORTY-FOURTH LEGISLATURE  
FIRST SESSION, 1999

HJC/HB 293

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Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_

(Chief Clerk)

(Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 11 For 0 Against

Yes: 11

Excused: Luna

Absent: None

J: \99BillSWP\H0293

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FORTY-FOURTH LEGISLATURE  
FIRST SESSION, 1999

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FORTY-FOURTH LEGISLATURE  
FIRST SESSION, 1999

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March 4, 1999

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Mr. President:

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Your CORPORATIONS & TRANSPORTATION COMMITTEE, to

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whom has been referred

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HOUSE BILL 293, as amended

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has had it under consideration and reports same with

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recommendation that it DO PASS, and thence referred to the

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JUDICIARY COMMITTEE.

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Respectfully submitted,

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Roman M. Maes, Chairman

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FORTY-FOURTH LEGISLATURE  
FIRST SESSION, 1999

1 HJC/HB 293

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Adopted \_\_\_\_\_ Not

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Adopted \_\_\_\_\_

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(Chief Clerk)

(Chief Clerk)

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Date \_\_\_\_\_

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The roll call vote was 6 For 1 Against

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Yes: 6

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No: Rawson

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Excused: Aragon, Macias, Robinson

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Absent: None

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FORTY-FOURTH LEGISLATURE  
FIRST SESSION, 1999

1 HJC/HB 293

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FORTY-FOURTH LEGISLATURE  
FIRST SESSION, 1999

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March 15, 1999

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Mr. President:

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Your JUDICIARY COMMITTEE, to whom has been referred

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HOUSE BILL 293, as amended

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has had it under consideration and reports same with  
recommendation that it DO PASS.

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Respectfully submitted,

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Michael S. Sanchez, Chairman

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FORTY-FOURTH LEGISLATURE  
FIRST SESSION, 1999

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Adopted \_\_\_\_\_

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(Chief Clerk)

(Chief Clerk)

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Date \_\_\_\_\_

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The roll call vote was 6 For 1 Against

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Yes: 6

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No: Davis

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Excused: Aragon

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Absent: None

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