

SENATE No. 587

The Commonwealth of Massachusetts

PRESENTED BY:

Cindy F. Friedman

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to establish health equity for pregnant persons.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | |
|--------------------------------|---------------------------------------------------|------------------|
| <i>Cindy F. Friedman</i> | <i>Fourth Middlesex</i> | |
| <i>Lindsay N. Sabadosa</i> | <i>1st Hampshire</i> | <i>1/29/2019</i> |
| <i>Jason M. Lewis</i> | <i>Fifth Middlesex</i> | <i>1/24/2019</i> |
| <i>Jack Patrick Lewis</i> | <i>7th Middlesex</i> | <i>1/24/2019</i> |
| <i>Harriette L. Chandler</i> | <i>First Worcester</i> | <i>1/28/2019</i> |
| <i>Maria Duaine Robinson</i> | <i>6th Middlesex</i> | <i>1/28/2019</i> |
| <i>Mary S. Keefe</i> | <i>15th Worcester</i> | <i>1/28/2019</i> |
| <i>Julian Cyr</i> | <i>Cape and Islands</i> | <i>1/29/2019</i> |
| <i>Thomas M. Stanley</i> | <i>9th Middlesex</i> | <i>1/29/2019</i> |
| <i>William N. Brownsberger</i> | <i>Second Suffolk and Middlesex</i> | <i>1/29/2019</i> |
| <i>Kenneth I. Gordon</i> | <i>21st Middlesex</i> | <i>1/29/2019</i> |
| <i>Brian W. Murray</i> | <i>10th Worcester</i> | <i>1/29/2019</i> |
| <i>Marjorie C. Decker</i> | <i>25th Middlesex</i> | <i>1/29/2019</i> |
| <i>Sarah K. Peake</i> | <i>4th Barnstable</i> | <i>1/30/2019</i> |
| <i>Joanne M. Comerford</i> | <i>Hampshire, Franklin and Worcester</i> | <i>1/30/2019</i> |
| <i>Adam G. Hinds</i> | <i>Berkshire, Hampshire, Franklin and Hampden</i> | <i>1/30/2019</i> |
| <i>Daniel J. Hunt</i> | <i>13th Suffolk</i> | <i>1/31/2019</i> |

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|------------------------------------|---------------------------------------|------------------|
| <i>Jennifer E. Benson</i> | <i>37th Middlesex</i> | <i>1/31/2019</i> |
| <i>Sal N. DiDomenico</i> | <i>Middlesex and Suffolk</i> | <i>1/31/2019</i> |
| <i>Michael O. Moore</i> | <i>Second Worcester</i> | <i>2/1/2019</i> |
| <i>Carolyn C. Dykema</i> | <i>8th Middlesex</i> | <i>2/1/2019</i> |
| <i>Eric P. Lesser</i> | <i>First Hampden and Hampshire</i> | <i>2/1/2019</i> |
| <i>Sean Garballey</i> | <i>23rd Middlesex</i> | <i>2/1/2019</i> |
| <i>Kay Khan</i> | <i>11th Middlesex</i> | <i>2/1/2019</i> |
| <i>Liz Miranda</i> | <i>5th Suffolk</i> | <i>2/1/2019</i> |
| <i>Rebecca L. Rausch</i> | <i>Norfolk, Bristol and Middlesex</i> | <i>2/1/2019</i> |
| <i>David Henry Argosky LeBoeuf</i> | <i>17th Worcester</i> | <i>2/1/2019</i> |
| <i>David M. Rogers</i> | <i>24th Middlesex</i> | <i>2/1/2019</i> |
| <i>James B. Eldridge</i> | <i>Middlesex and Worcester</i> | <i>2/8/2019</i> |

SENATE No. 587

By Ms. Friedman, a petition (accompanied by bill, Senate, No. 587) of Cindy F. Friedman, Lindsay N. Sabadosa, Jason M. Lewis, Jack Patrick Lewis and other members of the General Court for legislation to establish health equity for pregnant persons. Financial Services.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act to establish health equity for pregnant persons.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 17C of chapter 32A of the General Laws, as appearing in the 2016
2 Official Edition, is hereby amended by inserting after the words “coverage for”, in line 3, the
3 following words:- abortion and abortion-related care,.

4 SECTION 2. Said section 17C of said chapter 32A, as so appearing, is hereby further
5 amended by adding the following sentences:-

6 Coverage provided under this section shall not be subject to any deductible, coinsurance,
7 copayment or any other cost-sharing requirement. Coverage offered under this section shall not
8 impose unreasonable restrictions or delays in the coverage.

9 Benefits for an enrollee under this section shall be the same for the enrollee’s covered
10 spouse and covered dependents.

11 The commission shall ensure plan compliance with this chapter.

12 SECTION 3. Section 10A of chapter 118E of the General Laws, as appearing in the 2016
13 Official Edition, is hereby amended by inserting after the words “coverage for”, in line 1, the
14 following words:- abortion and abortion-related care,.

15 SECTION 4. Said section 10A of said chapter 118E, as so appearing, is hereby further
16 amended by adding the following sentences:-

17 Coverage provided under this section shall not be subject to any deductible, coinsurance,
18 copayment or any other cost-sharing requirement. Coverage offered under this section shall not
19 impose unreasonable restrictions or delays in the coverage.

20 Benefits for an enrollee under this section shall be the same for the enrollee’s covered
21 spouse and covered dependents.

22 Nothing in this section shall be construed to deny or restrict the division’s authority to
23 ensure its contracted health insurers, health plans, health maintenance organizations, behavioral
24 health management firms and third-party administrators under contract to a Medicaid managed
25 care organization or primary care clinician plan are in compliance with this chapter.

26 SECTION 5. Section 47F of chapter 175 of the General Laws, as appearing in the 2016
27 Official Edition, is hereby amended by inserting after the words “for the expense of”, in line 20,
28 the following words:- abortion and abortion-related care,.

29 SECTION 6. Said section 47F of said chapter 175, as so appearing, is hereby further
30 amended by inserting after the third paragraph the following paragraphs:-

31 Coverage provided under this section shall not be subject to any deductible, coinsurance,
32 copayment or any other cost-sharing requirement. Coverage offered under this section shall not
33 impose unreasonable restrictions or delays in the coverage.

34 Benefits for an enrollee under this section shall be the same for the enrollee's covered
35 spouse and covered dependents.

36 A policy of accident and sickness insurance that is purchased by an employer that is a
37 church or qualified church-controlled organization, as defined in section 47W of this chapter,
38 shall be exempt from covering abortion and abortion-related care at the request of the employer.
39 An employer that invokes the exemption under this section shall provide written notice to
40 prospective enrollees prior to enrollment with the plan and such notice shall list the health care
41 methods and services for which the employer will not provide coverage for religious reasons.

42 SECTION 7. Section 8H of Chapter 176A of the General Laws, as appearing in the 2016
43 Official Edition, is hereby amended by inserting after the words "expense for", in line 8, the
44 following words:- abortion and abortion-related care,.

45 SECTION 8. Said section 8H of said chapter 176A, as so appearing, is hereby further
46 amended by striking out, in lines 9 and 10, the words "to the same extent that benefits are
47 provided for medical conditions not related to pregnancy".

48 SECTION 9. Said section 8H of said chapter 176A, as so appearing, is hereby further
49 amended by inserting after the third paragraph the following paragraphs:-

50 Coverage provided under this section shall not be subject to any deductible, coinsurance,
51 copayment or any other cost-sharing requirement. Coverage offered under this section shall not
52 impose unreasonable restrictions or delays in the coverage.

53 Benefits for an enrollee under this section shall be the same for the enrollee's covered
54 spouse and covered dependents.

55 A policy of accident and sickness insurance that is purchased by an employer that is a
56 church or qualified church-controlled organization, as defined in section 8W of this chapter, shall
57 be exempt from covering abortion and abortion-related care at the request of the employer. An
58 employer that invokes the exemption under this subsection shall provide written notice to
59 prospective enrollees prior to enrollment with the plan and such notice shall list the health care
60 methods and services for which the employer will not provide coverage for religious reasons.

61 SECTION 10. Section 4H of chapter 176B of the General Laws, as appearing in the 2016
62 Official Edition, is hereby amended by inserting after the words "expense for", in lines 7 and 8,
63 the following words:- abortion and abortion-related care,.

64 SECTION 11. Said section 4H of said chapter 176B, as so appearing, is hereby further
65 amended by striking out, in lines 8 to 10, inclusive, the words "to the same extent that benefits
66 are provided for medical conditions not related to pregnancy".

67 SECTION 12. Said section 4H of said chapter 176B, as so appearing, is hereby further
68 amended by inserting after the third paragraph the following paragraphs:-

69 Coverage provided under this section shall not be subject to any deductible, coinsurance,
70 copayment or any other cost-sharing requirement. Coverage offered under this section shall not
71 impose unreasonable restrictions or delays in the coverage.

72 Benefits for an enrollee under this section shall be the same for the enrollee's covered
73 spouse and covered dependents.

74 A policy of accident and sickness insurance that is purchased by an employer that is a
75 church or qualified church-controlled organization, as defined in section 4W of this chapter, shall
76 be exempt from covering abortion and abortion-related care at the request of the employer. An
77 employer that invokes the exemption under this subsection shall provide written notice to
78 prospective enrollees prior to enrollment with the plan and such notice shall list the health care
79 methods and services for which the employer will not provide coverage for religious reasons.

80 SECTION 13. Section 4I of chapter 176G of the General Laws, as appearing in the 2016
81 Official Edition, is hereby amended by inserting after the words "coverage for", in lines 1 and 2,
82 the following words:- abortion and abortion-related care,.

83 SECTION 14. Said section 4I of said chapter 176G, as so appearing, is hereby further
84 amended by inserting after the second paragraph the following paragraphs:-

85 Coverage provided under this section shall not be subject to any deductible, coinsurance,
86 copayment or any other cost-sharing requirement. Coverage offered under this section shall not
87 impose unreasonable restrictions or delays in the coverage.

88 Benefits for an enrollee under this section shall be the same for the enrollee's covered
89 spouse and covered dependents.

90 A health maintenance contract that is purchased by an employer that is a church or
91 qualified church-controlled organization, as defined in section 40 of this chapter, shall be exempt
92 from covering abortion and abortion-related care at the request of the employer. An employer
93 that invokes the exemption under this subsection shall provide written notice to prospective
94 enrollees prior to enrollment with the plan and such notice shall list the health care methods and
95 services for which the employer will not provide coverage for religious reasons.

96 SECTION 15. Sections 1 to 14, inclusive, shall apply to all policies, contracts and
97 certificates of health insurance subject to chapters 32A, 118E, 175, 176A, 176B and 176G of the
98 General Laws that are delivered, issued or renewed 6 months from the effective date of this act.