

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 SENATE BILL 494

By: Johnson (Constance)

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6 AS INTRODUCED

7 An Act relating to family planning; creating the Right  
8 to Choose Life Act; providing short title; requiring  
9 coverage of prescription contraceptive drugs and  
10 devices; providing for exceptions; providing  
11 legislative findings; stating legislative intent;  
12 providing for codification; providing for  
13 noncodification; and providing an effective date.

14 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

15 SECTION 1. NEW LAW A new section of law not to be  
16 codified in the Oklahoma Statutes reads as follows:

17 This act shall be known and may be cited as the "Right to Choose  
18 Life Act".

19 SECTION 2. NEW LAW A new section of law to be codified in  
20 the Oklahoma Statutes as Section 6060.3b of Title 36, unless there is  
21 created a duplication in numbering, reads as follows:

22 A. Any individual or group health benefit plan, including the  
23 State and Education Employees Group Health Insurance Plan, that is  
24 offered, issued, or renewed in this state on or after January 1, 2010,

1 shall provide coverage for prescription contraceptive drugs and  
2 devices related to reproductive health.

3 B. The provisions of this section shall not apply to policies  
4 or certificates issued to groups with fifty (50) or fewer employees.

5 C. 1. A health benefit plan that, at the end of its base  
6 period, experiences a greater than two percent (2%) increase in  
7 premium costs pursuant to providing benefits for prescription  
8 contraceptive drugs and devices shall be exempt from the provisions  
9 of subsection A of this section.

10 2. To calculate the base period-premium costs, the health  
11 benefit plan shall subtract from premium costs incurred during the  
12 base period, both the premium costs incurred during the period  
13 immediately preceding the base period and any premium cost increases  
14 attributable to factors unrelated to benefits for prescription  
15 contraceptive drugs and devices.

16 3. a. To claim the exemption provided for in paragraph 1 of  
17 this subsection, a health benefit plan shall provide to  
18 the Insurance Commissioner a written request signed by  
19 an actuary stating the reasons and actuarial  
20 assumptions upon which the request is based.

21 b. The Commissioner shall verify the information provided  
22 and shall approve or disapprove the request within  
23 thirty (30) days of receipt.

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1 c. If, upon investigation, the Commissioner finds that any  
2 statement of fact in the request is found to be  
3 knowingly false, the health benefit plan may be subject  
4 to suspension or loss of license or any other penalty  
5 as determined by the Commissioner, or the State  
6 Commissioner of Health with regard to health  
7 maintenance organizations.

8 SECTION 3. NEW LAW A new section of law to be codified in  
9 the Oklahoma Statutes as Section 2076 of Title 63, unless there is  
10 created a duplication in numbering, reads as follows:

11 A. The Legislature finds that:

12 1. Approximately one-third of births in Oklahoma are the result  
13 of unintended pregnancies;

14 2. Approximately two-thirds of women who experience unintended  
15 pregnancies in Oklahoma are Medicaid beneficiaries whose prenatal or  
16 delivery care is paid for by the state;

17 3. Women who have unintended pregnancies are more likely to seek  
18 out abortion services, less likely to get adequate prenatal care,  
19 more likely to experience violence from their partners during their  
20 pregnancies, and more likely to have premature or low birth weight  
21 infants;

22 4. Families that experience unintended pregnancies are at a  
23 greater risk for dysfunction and break-up, potentially leading to a  
24 need for increased foster care and other child welfare services, at a

1 significant cost to the state and the families. The costs of  
2 unintended pregnancies are both physical and emotional; and

3 5. Recent research in Oklahoma into new and improved methods of  
4 contraception has shown promise and has the potential to lead to  
5 significant economic gain in this state.

6 B. It is the intent of the Legislature to support policies,  
7 programs and research for both males and females that promote new and  
8 improved contraceptives and other methods of preventing pregnancy.

9 SECTION 4. This act shall become effective November 1, 2009.

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11 52-1-372 JM 3/6/2009 4:54:42 AM

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