SPONSOR: Rep. Minor-Brown & Rep. Longhurst & Rep. Heffernan & Sen. Gay & Sen. Lockman & Sen. S. McBride & Sen. Townsend
Reps. Baumbach, Griffith, K. Johnson, Morrison, Neal, Phillips, Romer, Wilson-Anton; Sens. Hansen, Hoffner, Huxtable, Pinkney, Poore, Sokola, Sturgeon, Walsh

HOUSE OF REPRESENTATIVES
152nd GENERAL ASSEMBLY

HOUSE BILL NO. 110

AN ACT TO AMEND TITLES 18, 29, AND 31 OF THE DELAWARE CODE RELATING TO INSURANCE COVERAGE FOR TERMINATION OF PREGNANCY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapter 5, Title 31 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline and redesignating accordingly as follows:

§502. Definitions.

As used in this chapter:

(3) "Carrier" means any entity that provides health insurance under § 505(3) of this title.

§ 525. Insurance coverage for serious mental illness and drug and alcohol dependency for recipients of aid under § 505(3) of this title.

(a) *Definitions.* — For the purposes of this section, the following words and phrases shall have the following meanings:

(2) ~~"Carrier" means any entity that provides health insurance under § 505(3) of this title.~~

§ 531. Annual behavioral health well check [Effective Jan. 1, 2024].

(a) As used in this section:

(2) ~~"Carrier" means any entity that provides health insurance under § 505(3) of this title.~~

§ 532. Services related to termination of pregnancy.

(a) Carriers shall cover services related to the termination of pregnancy in all health benefit plans delivered or issued for delivery under § 505(3) of this title.

(b) Coverage provided under this section may not be subject to any deductible, coinsurance, copayment, or any other cost-sharing requirement.

(c) A carrier may not impose restrictions on coverage inconsistent with Subchapter IX, Chapter 17, of Title 24.

Section 2. Amend Chapter 33, Title 18 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3370F. Services related to termination of pregnancy.

(a) For the purposes of this section, “carrier” means any entity that provides health insurance in this State that is subject to the provisions of this chapter. "Carrier" includes an insurance company, health service corporation, health maintenance organization, and any other entity providing a plan of health insurance or health benefits subject to state insurance regulation. "Carrier" also includes any third-party administrator or other entity that adjusts, administers, or settles claims in connection with health benefit plans.

(b) A carrier shall cover services related to the termination of pregnancy for enrollees.

(1) Coverage provided under this section may not be subject to any deductible, coinsurance, copayment, or any other cost-sharing requirement.

(2) A carrier may not impose restrictions on coverage inconsistent with Subchapter IX, Chapter 17, of Title 24.

(c) If the Department determines that enforcement of this section may adversely affect the allocation of federal funds to the state, the Commissioner may grant an exemption to the requirements of this section to the minimum extent necessary to ensure the receipt of federal funds.

(d) A religious employer may request, and the carrier must grant an exclusion from the coverage requirement, if the coverage requirement conflicts with the religious organization’s bona fide religious beliefs and practices. If such employer obtains an exclusion, it must provide its employees reasonable and timely notice of the exclusion.

Section 3. Amend Chapter 35, Title 18 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3571AA. Services related to termination of pregnancy.

(a) For the purposes of this section, “carrier” means any entity that provides health insurance in this State that is subject to the provisions of this chapter. "Carrier" includes an insurance company, health service corporation, health maintenance organization, and any other entity providing a plan of health insurance or health benefits subject to state insurance regulation. "Carrier" also includes any third-party administrator or other entity that adjusts, administers, or settles claims in connection with health benefit plans.

(b) A carrier subject to this section shall cover services related to the termination of pregnancy for enrollees.

(1) Coverage provided under this section is not subject to any deductible, coinsurance, copayment, or any other cost-sharing requirement.

(2) A carrier may not impose restrictions on coverage inconsistent with Subchapter IX, Chapter 17, of Title 24.

(c) If the Department determines that enforcement of this section may adversely affect the allocation of federal funds to the state, the Commissioner may grant an exemption to the requirements of this section to the minimum extent necessary to ensure the receipt of federal funds.

(d) A religious employer may request, and the plan must grant an exclusion from the coverage requirement, if the coverage requirement conflicts with the religious organization's bona fide religious beliefs and practices. If such employer obtains an exclusion, it must provide its employees reasonable and timely notice of the exclusion.

Section 4. Amend § 5210, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 5210. Authority and duties of the State Employee Benefits Committee.

The State Employee Benefits Committee established by § 9602 of this title shall have the following powers, duties and functions under this chapter:

(7) Ensure that carriers administering plans for group health insurance under this chapter provide coverage for services related to the termination of pregnancy. Such coverage may not be subject to any deductible, coinsurance, copayment, or any other cost-sharing requirement and may not impose restrictions on such services inconsistent with Subchapter IX, Chapter 17, of Title 24.

Section 5. This Act takes effect January 1 following its enactment into law.

SYNOPSIS

Section 1 amends Title 31 to require all health benefit plans delivered or issued for Medicaid to cover services related to the termination of pregnancy. Coverage provided under this section is not subject to any deductible, coinsurance, copayment, or any other cost-sharing requirement and may not impose restrictions on services inconsistent with Subchapter IX, Chapter 17, of Title 24. It also moves the definition of "carrier" out of individual provisions and into the general definition section for the chapter.

Sections 2 and 3 amend Title 18 to require both individual and group health carriers to cover services related to the termination of pregnancy with identical cost-sharing prohibitions. Additionally, Sections 2 and 3 make clear that a religious employer may obtain an exclusion from the carrier if the requirements conflict with the organization's bona fide religious beliefs and practices.

Section 4 amends Title 29 to charge the State Employee Benefits Committee with the duty to ensure that state employee plans provide coverage for services related to the termination of pregnancy. Coverage shall not be subject to any deductible, coinsurance, copayment, or any other cost-sharing requirement and shall not impose restrictions on such services inconsistent with protections placed in Subchapter IX, Chapter 17, of Title 24.

This Act takes effect January 1 following its enactment into law.