



SPONSOR: Rep. Minor-Brown & Rep. Longhurst & Rep. Heffernan
& Rep. Bush & Sen. Gay & Sen. Townsend
Reps. Baumbach, K. Johnson, Morrison, Neal, Romer;
Sens. Sokola, Hoffner, S. McBride, Pinkney, Hansen

HOUSE OF REPRESENTATIVES
152nd GENERAL ASSEMBLY

HOUSE SUBSTITUTE NO. 2
FOR
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:

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

3 §502. Definitions.

4 As used in this chapter:

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

6 § 525. Insurance coverage for serious mental illness and drug and alcohol dependency for recipients of aid under §
7 505(3) of this title.

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

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

11 § 531. Annual behavioral health well check.

12 (a) As used in this section:

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

14 § 532. Supplemental and diagnostic breast examinations.

15 (a) As used in this section:

16 (3) ~~“Carrier” means any entity that provides health insurance under § 505(3) of this title.~~

17 § 533. Services related to termination of pregnancy.

18 (a) Carriers shall cover services related to the termination of pregnancy up to a maximum of \$750 per covered
19 individual per year in all health benefit plans delivered or issued for delivery under § 505(3) of this title.

20 (b) Coverage provided under this section may not be subject to any deductible, coinsurance, copayment, or any
21 other cost-sharing requirement up to the \$750 maximum.

22 (c) A carrier must provide coverage for the full scope of services permissible under the law.

23 (d) Coverage provided under this section may not require a referral or prior authorization as a condition of
24 coverage.

25 (e) If a policy or contract limits an insured's access to a network of participating providers for other health-care
26 services, then it may limit access for services related to termination of pregnancy, but the policy or contract must include in
27 all its provider networks a sufficient number of providers of termination of pregnancy services to accommodate the direct
28 access needs of their enrollees.

29 (f) Coverage provided under this section must be funded by State resources if services are not eligible for federal
30 funds. If federal funds are permitted to be used for services under this section, then federal funds must be used.

31 Section 2. Amend Chapter 1, Title 18 of the Delaware Code by making deletions as shown by strike through and
32 insertions as shown by underline as follows and redesignating accordingly:

33 § 102. Definitions.

34 As used in this part:

35 (12) "Religious employer" means an employer that is both of the following:

36 a. A church, convention, association of churches, or elementary or secondary school that is controlled,
37 operated, or principally supported by a church or convention or association of churches.

38 b. Qualified as a tax-exempt organization under 26 U.S.C. § 501(c) (3).

39 Section 3. Amend Chapter 33, Title 18 of the Delaware Code by making deletions as shown by strike through and
40 insertions as shown by underline as follows:

41 § 3370G. Services related to termination of pregnancy.

42 (a) As used in this section:

43 (1) "Carrier" means any entity that provides health insurance in this State that is subject to the provisions of
44 this chapter. "Carrier" includes an insurance company, health service corporation, managed care organization, health
45 maintenance organization, and any other entity providing a plan of health insurance or health benefits subject to state
46 insurance regulation. "Carrier" also includes any third-party administrator or other entity that adjusts, administers, or
47 settles claims in connection with health benefit plans.

48 (2) "Health benefit plan" means as defined in § 3342A of this title.

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

50 (1) a. Except as provided in paragraphs (b)(1)b. and (b)(1)c. of this section, coverage provided under this
51 section may not be subject to any deductible, coinsurance, copayment, or any other cost-sharing requirement.

52 b. The limitations on cost-sharing in paragraph (b)(1)a. of this section do not apply to a high deductible
53 health plan or a catastrophic health plan if the limitations would cause such plan to lose its status as a high
54 deductible health plan under § 223(c)(2) of the Internal Revenue Code or a catastrophic health plan under §
55 1302(e) of the Patient Protection and Affordable Care Act, 42 U.S.C. § 18022(e).

56 c. Coverage under this section may be limited to \$750 per covered individual per year.

57 (2) A carrier must provide coverage for the full scope of services permissible under the law.

58 (3) Coverage provided under this section may not require a referral or prior authorization as a condition of
59 coverage.

60 (4) If a policy or contract limits an insured's access to a network of participating providers for other health-
61 care services, then it may limit access for services related to termination of pregnancy, but the policy or contract must
62 include in all its provider networks sufficient numbers of providers of termination of pregnancy services to
63 accommodate the direct access needs of their enrollees.

64 (c) This section applies to all policies, contracts, or certificates issued, renewed, modified, altered, amended, or
65 reissued after December 31, 2025.

66 Section 4. Amend Chapter 35, Title 18 of the Delaware Code by making deletions as shown by strike through and
67 insertions as shown by underline as follows:

68 § 3571AA. Services related to termination of pregnancy.

69 (a) As used in this section:

70 (1) "Carrier" means any entity that provides health insurance in this State that is subject to the provisions of
71 this chapter. "Carrier" includes an insurance company, health service corporation, managed care organization, health
72 maintenance organization, and any other entity providing a plan of health insurance or health benefits subject to state
73 insurance regulation. "Carrier" also includes any third-party administrator or other entity that adjusts, administers, or
74 settles claims in connection with health benefit plans.

75 (2) "Health benefit plan" means as defined in § 3342A of this title.

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

77 (1) a. Except as provided in paragraphs (b)(1)b. and (b)(1)c. of this section, coverage provided under this
78 section may not be subject to any deductible, coinsurance, copayment, or any other cost-sharing requirement.

79 b. The limitations on cost-sharing in paragraph (b)(1)a. of this section do not apply to a high deductible
80 health plan if the limitations would cause the plan to lose its status as a high deductible health plan. under §
81 223(c)(2) of the Internal Revenue Code.

82 c. Coverage under this section may be limited to \$750 per covered individual per year.

83 (2) A carrier must provide coverage for the full scope of services permissible under the law.

84 (3) Coverage provided under this section may not require a referral or prior authorization as a condition of
85 coverage.

86 (4) If a policy or contract limits an insured’s access to a network of participating providers for other health-
87 care services, then it may limit access for services related to termination of pregnancy, but the policy or contract must
88 include in all its provider networks a sufficient number of providers of termination of pregnancy services to
89 accommodate the direct access needs of their enrollees.

90 (c) (1) A religious employer may request, and the plan must grant, an exclusion from the coverage requirement if
91 the coverage requirement conflicts with the religious organization’s bona fide religious beliefs and practices. If such
92 employer obtains an exclusion, it must provide its employees reasonable and timely notice of the exclusion.

93 (2) An exclusion under this subsection does not authorize the exclusion of coverage for services related to the
94 termination of pregnancy that are necessary to preserve the life or health of a covered individual.

95 (d) This section applies to all policies, contracts, or certificates issued, renewed, modified, altered, amended, or
96 reissued after December 31, 2025.

97 Section 5. Amend Chapter 52, Title 29 of the Delaware Code by making deletions as shown by strike through and
98 insertions as shown by underline as follows:

99 § 5217. Services related to the termination of pregnancy.

100 The plan shall provide coverage for services related to the termination of pregnancy. Such coverage may not be
101 subject to any deductible, coinsurance, copayment, or any other cost-sharing requirement and must cover the full scope of
102 services permissible under the law.

103 Section 6. Sections 1 and 5 of this Act take effect January 1 of the year following enactment. Sections 2, 3, and 4
104 of this Act are effective upon enactment.

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 must cover the full scope of services permissible under the law. It also moves the definition of “carrier” out of individual provisions and into the general definition section for the chapter.

Section 2 adds a definition of “religious employer” to Title 18. Sections 3 and 4 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. Certain types of limited coverage plans are exempt from the requirement, and HDHP and catastrophic plans are exempt from the cost-sharing prohibitions if such requirements would cause them to lose their status and treatment under federal law. 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 5 amends Title 29 to require coverage for services related to the termination of pregnancy under the state employee health plan. Coverage shall not be subject to any deductible, coinsurance, copayment, or any other cost-sharing requirement and shall apply to the full scope of services permissible under the law.

The changes to Medicaid and the state employee health plan are effective January 1 of the year following enactment. The changes to insurance requirements for private group, blanket, and individual coverage are effective for policies issued, renewed, or altered after December 31, 2025.

This substitute differs from the original bill as follows: (1) It makes several technical corrections; (2) It limits the permissible applications of referral, prior authorization, and in-network requirements to ensure full and timely access to covered services; (3) It requires federal funds to be used for Medicaid services wherever the use of federal funds is allowed and specifies State funds will otherwise be used for covered services; (4) It adds a definition of religious employer and requires a religious employer to cover services when the life or health of the covered individual is at risk; (5) It changes the effective and application dates of the coverage requirements; (6) It caps the benefit at \$750 per year per covered individual for Medicaid; and for private insurance it allows the benefit to be limited to \$750 per covered individual per year.

The bill also makes a technical change by moving the definition of "carrier" out of individual sections of Chapter 5 of Title 29 and into the general definitions section for that chapter.