
SUBSTITUTE SENATE BILL 5039

State of Washington 62nd Legislature 2011 Regular Session

By Senate Health & Long-Term Care (originally sponsored by Senators Murray, Keiser, Hatfield, Pridemore, Conway, and Chase)

READ FIRST TIME 02/08/11.

1 AN ACT Relating to insurance coverage of tobacco cessation
2 treatment in the preventative benefit required under the federal law;
3 adding new sections to chapter 48.43 RCW; creating a new section; and
4 providing a contingent expiration date.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 48.43 RCW
7 to read as follows:

8 To the extent required by federal law, a group or individual plan
9 contract that is issued, amended, renewed, or delivered on or after
10 September 23, 2010, must comply with the requirements of section 2713
11 of the federal public health service act (42 U.S.C. Sec. 200 gg-13), as
12 added by section 1001 of the federal patient protection and affordable
13 care act (P.L. 111-148), and any subsequent rules or regulations issued
14 pursuant to that section, to provide coverage for certain preventive
15 health services without imposing cost sharing.

16 NEW SECTION. **Sec. 2.** A new section is added to chapter 48.43 RCW
17 to read as follows:

18 (1) Group and individual plan contracts issued, amended, renewed,

1 or delivered on or after January 1, 2012, must cover a minimum of two
2 courses of treatment in a twelve-month period for all tobacco cessation
3 treatments rated "A" or "B" by the United States preventive services
4 task force, which must include counseling and over-the-counter
5 medication and prescription pharmacotherapy approved by the federal
6 food and drug administration available in the plan's formulary or
7 preferred drug list.

8 (2) The coverage provided pursuant to this section is only
9 available upon the order of an authorized provider. Nothing in this
10 section precludes a health plan from allowing enrollees to access
11 tobacco cessation services on a self-referral basis.

12 (3) As used in this section, "course of treatment" means:

13 (a) As applied to counseling, at least four sessions of counseling,
14 which may be telephone, group, or individual counseling with each
15 session lasting at least ten minutes; or

16 (b) As applied to a prescription or over-the-counter medication,
17 the duration of treatment approved by the federal food and drug
18 administration for that medication.

19 (4) A health plan may not impose stepped-care requirements on
20 tobacco cessation treatments.

21 NEW SECTION. **Sec. 3.** Section 2 of this act expires on December
22 31, 2013, or the date that the state determines that the requirements
23 of section 2 of this act will result in the state assuming additional
24 costs pursuant to U.S.C. Sec. 1311 of the federal patient protection
25 and affordable care act (P.L. 111-148), as amended by subsection (e) of
26 Sec. 10104 of Title X of that federal act, as that federal act existed
27 on the effective date of this section.

28 NEW SECTION. **Sec. 4.** The office of the insurance commissioner
29 must provide notice of the expiration date of section 2 of this act to
30 affected parties, the chief clerk of the house of representatives, the
31 secretary of the senate, the office of the code reviser, and others as
32 deemed appropriate by the office of the insurance commissioner.

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