

17B:26-2.6

LEGISLATIVE HISTORY CHECKLIST

NJSA: 17B:26-2.6, 17B:26-21b

(Health insurance policies--certain require maternity care coverage)

LAWS OF: 1985

CHAPTER: 275

Bill No: S561

Sponsor(s): Lipman and Di Francesco

Date Introduced: Pre-filed

Committee: Assembly: Banking and Insurance

Senate: Institutions, Health and Welfare

Amended during passage: Yes Amendments during passage denoted by asterisks.

Date of Passage: Assembly: June 20, 1985

Senate: January 24, 1985

Date of Approval: August 8, 1985

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: Assembly Yes

Senate Yes

Fiscal Note: No

Veto Message: No

Message on Signing: ~~No~~ Yes

Following were printed:

Reports: Yes

Hearings: No

974.90 New Jersey. Commission on Sex Discrimination in the Statutes.  
W872 Toward economic equity: recommendations for the elimination of  
1985 sex discrimination . . . Trenton, 1985.  
(vol. 2--see pp. 6-8, 101-126, 201-202)

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[SECOND OFFICIAL COPY REPRINT]

SENATE, No. 561

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1984 SESSION

By Senators LIPMAN and DiFRANCESCO

AN ACT providing for the inclusion in certain health insurance
\*\*[contracts]\*\* \*\*policies\*\* of benefits for expenses incurred in
connection with pregnancy and childbirth, amending P. L. 1979,
c. 328 and supplementing Chapter 26 of Title 17B of the New
Jersey Statutes.

1 BE IT ENACTED by the Senate and General Assembly of the State
2 of New Jersey:

1 1. Section 5 of P. L. 1979, c. 328 (C. 17B:26-2.6) is amended
2 to read as follows:

3 5. The second surgical opinion benefit provisions of a policy may
4 exclude benefits while the patient is confined in a hospital as an
5 inpatient, any surgical procedures not covered by the policy and
6 surgical procedures in the following categories: cosmetic surgery[,
7 pregnancy-related surgery], dental surgery, and podiatric sur-
8 gery[, and sterilization].

1 2. (New section) Every health insurance \*\*[contract]\*\*
2 \*\*policy\*\* providing hospital or medical expense benefits delivered,
3 issued, executed or renewed in this State, or approved for issuance
4 or renewal in this State by the Commissioner of Insurance on or
5 after the effective date of this amendatory and supplementary act,
6 shall offer coverage for maternity care without regard to marital
7 status to subscribers or other persons covered thereunder for ex-
8 penses incurred in pregnancy and childbirth. The coverage for the
9 expenses of pregnancy and childbirth shall be provided to the same
10 extent as the hospitalization benefits are provided in the \*\*[con-
11 tract]\*\* \*\*policy\*\* for any other covered illness. If a fixed amount

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill
is not enacted and is intended to be omitted in the law.

Matter printed in italics thus is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

\*—Senate committee amendment adopted November 19, 1984.

\*\*—Assembly committee amendments adopted February 25, 1985.

12 is specified in the **["contract"]** *policy* for surgery, the fixed  
13 amount for a pregnancy-related surgical procedure shall be com-  
14 mensurate with the fixed amount payable for a surgical procedure  
15 of comparable difficulty and severity. **["If the contract provides**  
16 **for a waiting period before an insured is eligible for maternity**  
17 **benefits, the"]** **["contract shall provide that the maternity benefits**  
18 **shall be payable to the same extent and for the same period of time**  
19 **following the discontinuation of the maternity coverage. However,**  
20 **this"]** **["waiting period shall not exceed a period of 10 months."]**

1 3. (New section) The Commissioner of Insurance shall promul-  
2 gate the rules and regulations necessary to effectuate the purpose  
3 of this amendatory and supplementary act.

1 4. This act shall take effect 90 days following enactment.

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SENATE, No. 561

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1984 SESSION

By Senators LIPMAN and DiFRANCESCO

AN ACT providing for the inclusion in certain health insurance contracts of benefits for expenses incurred in connection with pregnancy and childbirth, amending P. L. 1979, c. 328 and supplementing Chapter 26 of Title 17B of the New Jersey Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State*  
2 *of New Jersey:*

1 1. Section 5 of P. L. 1979, c. 328 (C. 17B:26-2.6) is amended  
2 to read as follows:

3 5. The second surgical opinion benefit provisions of a policy may  
4 exclude benefits while the patient is confined in a hospital as an  
5 inpatient, any surgical procedures not covered by the policy and  
6 surgical procedures in the following categories: cosmetic surgery<sup>1</sup>,  
7 pregnancy-related surgery<sup>2</sup>, dental surgery, and podiatric sur-  
8 gery<sup>3</sup>, and sterilization<sup>4</sup>.

1 2. (New section) Every health insurance contract providing  
2 hospital or medical expense benefits delivered, issued, executed or  
3 renewed in this State, or approved for issuance or renewal in this  
4 State by the Commissioner of Insurance on or after the effective  
5 date of this amendatory and supplementary act, shall offer coverage  
6 for maternity care without regard to marital status to subscribers  
7 or other persons covered thereunder for expenses incurred in  
8 pregnancy and childbirth. The coverage for the expenses of preg-  
9 nancy and childbirth shall be provided to the same extent as the  
10 hospitalization benefits are provided in the contract for any other  
11 covered illness. If a fixed amount is specified in the contract for  
12 surgery, the fixed amount for a pregnancy-related surgical pro-

**EXPLANATION**—Matter enclosed in bold-faced brackets [thus] in the above bill  
is not enacted and is intended to be omitted in the law.

Matter printed in italics *thus* is new matter.

13 cedure shall be commensurate with the fixed amount payable for  
14 a surgical procedure of comparable difficulty and severity. If the  
15 contract provides for a waiting period before an insured is eligible  
16 for maternity benefits, the contract shall provide that the maternity  
17 benefits shall be payable to the same extent and for the same period  
18 of time following the discontinuation of the maternity coverage.  
19 However, this waiting period shall not exceed a period of 10  
20 months.

1 3. (New section) The Commissioner of Insurance shall promul-  
2 gate the rules and regulations necessary to effectuate the purpose  
3 of this amendatory and supplementary act.

1 4. This act shall take effect 90 days following enactment.

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#### STATEMENT

This bill eliminates the exclusion from health insurance of second surgical opinion program benefits for pregnancy-related surgery and sterilizations and provides that all health insurance policies shall offer maternity coverage benefits to the same extent as the hospitalization benefit provided in the contract for any other covered illness.

S 561 (1985)

ASSEMBLY BANKING AND INSURANCE COMMITTEE

STATEMENT TO

**SENATE, No. 561**

[OFFICIAL COPY REPRINT]

with Assembly committee amendments

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**STATE OF NEW JERSEY**

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DATED: FEBRUARY 25, 1985

Senate Bill No. 561 (1984):

(1) Eliminates the exclusion of pregnancy related surgery from second surgical opinion coverage; and

(2) Requires individual health insurance policies to other benefits coverage for maternity care during pregnancy and childbirth, without regard to the marital status of the otherwise eligible persons.

The bill's provisions apply to individual health policies for hospital or medical expense benefits issued by a commercial insurer pursuant to chapter 26 of Title 17B of the New Jersey Statutes.

Maternity benefits shall be provided to the same extent as hospitalization benefits for other covered illnesses. If the policy prescribes a fixed amount of benefits for surgery, benefit coverage for pregnancy related surgical procedures shall be commensurate to that for surgery of comparable difficulty and severity. A health insurance policy may provide for a waiting period for maternity benefit eligibility, not to exceed 10 months.

The Commissioner of Insurance shall promulgate rules and regulations therefor.

The provisions of this bill shall apply to individual health insurance policies delivered, issued, executed or renewed, or approved for issuance or renewal by the commissioner on or after the effective date of this amendatory and supplementary act.

The Assembly committee amendments:

(1) Delete the waiting period provisions of the bill; and

(2) Clarify certain other provisions of the bill.

SENATE INSTITUTIONS, HEALTH AND WELFARE  
COMMITTEE

STATEMENT TO

**SENATE, No. 561**

with Senate committee amendments

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**STATE OF NEW JERSEY**

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DATED: NOVEMBER 19, 1984

As amended by committee, this bill requires commercial individual insurers to offer coverage for maternity care (i.e., expenses incurred in pregnancy and childbirth) without regard to marital status of the subscriber or the persons covered under the insurance policy. The bill does not require that coverage for maternity care be provided; it only requires that such coverage be offered. Also, the bill provides that if the policy contains a waiting period for the maternity benefits, the waiting period shall not exceed 10 months.

The bill also eliminates the exclusion of pregnancy-related surgery and sterilization from the second surgical opinion benefit program. The provision will enable a person to obtain a second surgical opinion for these procedures, if the person elects to do so.

The committee amended this bill at the request of the sponsor. The amendment deletes the provision requiring that if there is a waiting period for maternity benefits, the maternity benefits shall be continued after the policy is discontinued for the same period of time as the waiting period.

The bill is one of a package of four bills concerning the offering of maternity benefits in health insurance policies. The other bills in the package are: Senate Bills Nos. 560, 562 and 563.

S-2888, S-560, S-561, S-562 and S-563  
Page 2  
August 8, 1985

The Governor also signed a package of bills sponsored by Senator Wynona Lipman that order the extension of insurance for pregnancy and child birth costs.

S-560, requires Blue Shield to offer coverage for maternity care expenses without regard to marital status. S-561, imposes the same requirement on commercial individual insurers, and S-562, imposes the requirement on hospital service contracts.

The final bill, S-563, requires commercial group insurers to offer coverage for maternity care expenses in their health insurance policies for hospital or medical expense benefits. The coverage must be offered to the same extent and any other covered illness, and, again, requires that the coverage be offered regardless of marital status.

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