



# HOUSE OF REPRESENTATIVES

HB 2625

domestic relations; disposition of property

Sponsors: Representatives Lesko: Barton, Kavanagh, et al.

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X Committee on Judiciary  
Committee on Health & Human Services  
Caucus and COW  
House Engrossed

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## **OVERVIEW**

HB 2625 allows the court to consider abandonment or domestic violence when dividing property in a divorce proceeding.

### **Summary of the Proposed Strike-Everything Amendment to HB 2625**

The proposed strike-everything amendment to HB 2625 asserts the validity of various types of health care contracts as it relates to the ability of a religious employer to deny coverage of contraceptive devices.

## **HISTORY**

Currently under Arizona Revised Statutes (A.R.S.) § 20-826 any contract between a corporation and its subscribers must outline that if the corporation provides coverage for prescription drugs, the contract must provide coverage for any prescribed drug or device that is approved by the United States Food and Drug Administration (FDA) for use as a contraceptive. Furthermore, if the corporation provides coverage for outpatient health care services, the contract must also provide coverage for outpatient contraceptive services. This does not apply to contracts issued to individuals on a nongroup basis.

However, a religious employer whose religious tenets prohibit the use of prescribed contraceptive methods may require that the corporation provide a contract without coverage for all FDA-approved contraceptive methods. The employer must submit a written affidavit to the corporation stating that it is a religious employer. On receipt of the affidavit, the corporation must issue to the religious employer a contract that excludes coverage of prescription contraceptive methods. The corporation shall retain the affidavit for the duration of the contract and any renewals of the contracts. Before enrollment in the plan, every religious employer that invokes this exemption must provide prospective subscribers a written notice that the religious employer refuses to cover all FDA-approved contraceptive methods for religious reasons. However this does not exclude coverage for prescription contraceptive methods ordered by a health care provider with prescriptive authority for medical indications other than to prevent an unintended pregnancy. A corporation may require the subscriber to first pay for the prescription and then submit a claim to the corporation along with evidence that the prescription is for a noncontraceptive purpose. A corporation may charge an administrative fee for handling these claims. Last, a religious employer must not discriminate against an employee who independently chooses to obtain insurance coverage or prescriptions for contraceptives from another source.

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The aforementioned contract requirement and exemption applies to health care services organizations (A.R.S. 20-1057.08), a group disability policy (A.R.S. 20-1402), a blanket disability policy (A.R.S. 20-1404), or an accountable health benefits plan (A.R.S. 20-2329) that provide coverage for any prescribed drug or device that is approved by the FDA for use as a contraceptive.

*Religious employer* is defined as a nonprofit entity that primarily employs and serves persons who share the religious tenants of the entity (A.R.S. § 20-826).

### PROVISIONS

- Makes the following changes to the statutes governing a health care services organization (A.R.S. 20-1057.08), a group disability policy (A.R.S. 20-1402), a blanket disability policy (A.R.S. 20-1404), or an accountable health benefits plan:
  - Removes the provision of law that allows a religious employer whose religious tenets prohibit the use of prescribed contraceptive methods to require the corporation to provide a contract without coverage for all FDA approved contraceptive methods.
  - Asserts that a contract shall not be considered to have failed if the contract's failure to provide coverage of specific items or services related to contraception is because providing or paying for coverage is contrary to the religious beliefs of the employer, sponsor, issuer, corporation or other entity offering the plan; or because the coverage is contrary to the religious beliefs of the purchaser or beneficiary of the coverage.
  - Requires that a written affidavit be filed with the corporation stating the objection, if an objection triggers the subsection.
  - Directs the corporation to retain the affidavit for the duration of contract and any renewals of the contract.
  - Specifies that coverage for prescriptive contraceptive methods ordered by a health care provider for uses other than for contraceptive, abortifacient, abortion or sterilization purposes are not excluded.
  - Allows a corporation, employer, sponsor, issuer or other entity offering the plan to state religious beliefs or moral convictions in its affidavit that require the subscriber to first pay for the prescription and then submit a claim to the corporation.
  - Permits a corporation to charge an administrative fee for handling these claims.
  - Removes the requirement that every religious employer that provide prospective insureds written notice that the religious employer refuses to cover all U.S. FDA-approved contraceptive methods for religious purposes.
  - Deletes the definition of *religious employer*.
  - Removes the provision that prohibits religious employers from discriminating against an employee who independently chooses to obtain insurance coverage or prescriptions for contraceptives from another source.
- Makes technical and conforming changes.