



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-6006/1

JPC:skw

2023 SENATE BILL 1099

March 27, 2024 - Introduced by Senators ROYS, LARSON and SPREITZER, cosponsored by Representatives BARE, JACOBSON, C. ANDERSON, CLANCY, CONLEY, CONSIDINE, EMERSON, MADISON, MOORE OMOKUNDE, PALMERI, RATCLIFF, SHELTON, SNODGRASS and STUBBS. Referred to Committee on Insurance and Small Business.

AN ACT *to create* 609.803 and 632.895 (13m) of the statutes; **relating to:**

coverage of tests for sexually transmitted diseases by health insurance policies and plans.

Analysis by the Legislative Reference Bureau

This bill requires health insurance policies and self-insured governmental health plans to cover home test kits for sexually transmitted diseases, including any laboratory costs for processing the kits. Under the bill, a home test kit must be a test recommended by the federal Centers for Disease Control and Prevention guidelines or the U.S. Preventive Services Task Force and must have been given a waiver of a specific federal law, been approved or cleared by the federal Food and Drug Administration, or been developed by a laboratory in accordance with established regulations and quality standards. The policies and plans are required to cover the home test kit if the use of the kit is determined to be medically necessary or appropriate and is ordered by a health care provider or furnished through a standing order. Health insurance policies are referred to in the statutes as disability insurance policies.

This proposal may contain a health insurance mandate requiring a social and financial impact report under s. 601.423, stats.

SENATE BILL 1099**SECTION 1**

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 609.803 of the statutes is created to read:

609.803 Coverage of sexually transmitted disease testing. Preferred provider plans and defined network plans are subject to s. 632.895 (13m).

SECTION 2. 632.895 (13m) of the statutes is created to read:

632.895 (13m) SEXUALLY TRANSMITTED DISEASE TESTS. (a) In this subsection, “home test kit” means a product used as a test recommended by the federal centers for disease control and prevention guidelines or the U.S. preventive services task force and that satisfies all of the following:

1. The product allows individuals to self-collect specimens for sexually transmitted diseases, including HIV, outside of a clinical setting.
2. The product has been given a waiver of the federal clinical laboratory improvement amendments, has been approved or cleared by the federal food and drug administration, or has been developed by a laboratory in accordance with established regulations and quality standards.

(b) Every disability insurance policy and every self-insured health plan of the state, or a county, city, village, town, or school district, that provides coverage of primary care or preventive services shall provide coverage of a home test kit, including any laboratory costs of processing the home test kit, if the home test kit meets all of the following criteria:

SENATE BILL 1099**SECTION 2**

1. The use of the home test kit is determined to be medically necessary or appropriate.

2. The home test kit is ordered directly by a health care provider or furnished through a standing order for patient use based on clinical guidelines and individual patient needs.

SECTION 3. Initial applicability.

(1) For policies and plans containing provisions inconsistent with this act, this act first applies to policy or plan years beginning on the effective date of this subsection, except as provided in sub. (2).

(2) For policies and plans that are affected by a collective bargaining agreement containing provisions inconsistent with this act, this act first applies to policy or plan years beginning on the effective date of this subsection or on the day on which the collective bargaining agreement is newly established, extended, modified, or renewed, whichever is later.

SECTION 4. Effective date.

(1) This act takes effect on the first day of the 4th month beginning after publication.

(END)