

AMENDED IN ASSEMBLY APRIL 21, 1998

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2438**

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**Introduced by Assembly Member Murray**

February 20, 1998

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An act to add Section 1367.54 to the Health and Safety Code, and to add Section 10123.184 to the Insurance Code, relating to health care service plans.

LEGISLATIVE COUNSEL'S DIGEST

AB 2438, as amended, Murray. Health care service plans: maternal and child health services.

Existing law governing health care service plans and disability insurance imposes certain requirements relating to coverage for maternity benefits and access to obstetrician-gynecologists. The willful violation of the law relating to health care service plans is a crime.

This bill would require any group health care service plan contract, except for a specialized health care service plan contract, and any disability insurance policy, that covers hospital, medical, or surgical expenses that is issued, amended, renewed, or delivered on or after January 1, 1999, or such a contract or policy that is of a type and form first offered for sale on or after January 1, 1999, to provide coverage for various services related to—~~certified~~ lactation consultants, prenatal diagnostic testing, health education, and nutritional assessments, under general terms and conditions applicable to

all benefits. This bill would impose a state-mandated local program by changing the definition of an existing crime.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 1367.54 is added to the Health  
2 and Safety Code, to read:

3 1367.54. Every group health care service plan  
4 contract, except for a specialized health care service plan  
5 contract, that is issued, amended, renewed, or delivered  
6 on or after January 1, 1999, and every individual health  
7 care service plan contract of a type and form first offered  
8 for sale on or after January 1, 1999, except a specialized  
9 health care service plan contract, shall provide coverage  
10 for all of the following, under general terms and  
11 conditions applicable to all benefits:

- 12 (a) ~~Certified Lactation~~ *Lactation* consultants.
- 13 (b) Prenatal diagnostic testing.
- 14 (c) Health education including, but not limited to, the  
15 following:
  - 16 (1) Childbirth preparation.
  - 17 (2) Newborn care.
  - 18 (3) Breast-feeding instruction.
  - 19 (4) Infant safety and cardiopulmonary resuscitation.
  - 20 (5) Parenting.
- 21 (d) Nutritional assessments.

22 SEC. 2. Section 10123.184 is added to the Insurance  
23 Code, immediately following Section 10123.18, to read:

24 10123.184. Every group policy of disability insurance  
25 that covers hospital, medical, or surgical expenses that is  
26 issued, amended, renewed, or delivered on or after  
27 January 1, 1999, and every individual policy of disability



1 insurance that covers hospital, medical, or surgical  
2 expenses that is of a type and form first offered for sale on  
3 or after January 1, 1999, shall provide coverage for the  
4 following, under general terms and conditions applicable  
5 to all benefits:

- 6 (a) ~~Certified Lactation~~ *Lactation* consultants.
- 7 (b) Prenatal diagnostic testing.
- 8 (c) Health education including, but not limited to, the  
9 following:
  - 10 (1) Childbirth preparation.
  - 11 (2) Newborn care.
  - 12 (3) Breast-feeding instruction.
  - 13 (4) Infant safety and cardiopulmonary resuscitation.
  - 14 (5) Parenting.
  - 15 (d) Nutritional assessments.

16 SEC. 3. No reimbursement is required by this act  
17 pursuant to Section 6 of Article XIII B of the California  
18 Constitution because the only costs that may be incurred  
19 by a local agency or school district will be incurred  
20 because this act creates a new crime or infraction,  
21 eliminates a crime or infraction, or changes the penalty  
22 for a crime or infraction, within the meaning of Section  
23 17556 of the Government Code, or changes the definition  
24 of a crime within the meaning of Section 6 of Article  
25 XIII B of the California Constitution.

26 Notwithstanding Section 17580 of the Government  
27 Code, unless otherwise specified, the provisions of this act  
28 shall become operative on the same date that the act  
29 takes effect pursuant to the California Constitution.

