

HOUSE BILL NO. 5

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FIRST LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE RAUSCHER

Introduced: 1/7/19

Referred: Prefiled

A BILL

FOR AN ACT ENTITLED

1 **"An Act prohibiting the expenditure of state money on gender reassignment medical**
2 **procedures."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 *** Section 1.** AS 33.30.011(a) is amended to read:

5 (a) The commissioner shall

6 (1) establish, maintain, operate, and control correctional facilities
7 suitable for the custody, care, and discipline of persons charged or convicted of
8 offenses against the state or held under authority of state law; each correctional facility
9 operated by the state shall be established, maintained, operated, and controlled in a
10 manner that is consistent with AS 33.30.015;

11 (2) classify prisoners;

12 (3) for persons committed to the custody of the commissioner,
13 establish programs, including furlough programs that are reasonably calculated to

14 (A) protect the public and the victims of crimes committed by

1 prisoners;

2 (B) maintain health;

3 (C) create or improve occupational skills;

4 (D) enhance educational qualifications;

5 (E) support court-ordered restitution; and

6 (F) otherwise provide for the rehabilitation and reformation of
7 prisoners, facilitating their reintegration into society;

8 (4) **subject to AS 33.30.028(e)**, provide necessary

9 (A) medical services for prisoners in correctional facilities or
10 who are committed by a court to the custody of the commissioner, including
11 examinations for communicable and infectious diseases;

12 (B) psychological or psychiatric treatment if a physician or
13 other health care provider, exercising ordinary skill and care at the time of
14 observation, concludes that

15 (i) a prisoner exhibits symptoms of a serious disease or
16 injury that is curable or may be substantially alleviated; and

17 (ii) the potential for harm to the prisoner by reason of
18 delay or denial of care is substantial; and

19 (C) assessment or screening of the risks and needs of offenders
20 who may be vulnerable to harm, exploitation, or recidivism as a result of fetal
21 alcohol syndrome, fetal alcohol spectrum disorder, or another brain-based
22 disorder;

23 (5) establish minimum standards for sex offender treatment programs
24 offered to persons who are committed to the custody of the commissioner;

25 (6) provide for fingerprinting in correctional facilities in accordance
26 with AS 12.80.060;

27 (7) establish a program to conduct assessments of the risks and needs
28 of offenders sentenced to serve a term of incarceration of 30 days or more and provide
29 to the legislature, by electronic means, by January 15, 2017, and thereafter by
30 January 15, preceding the first regular session of each legislature, a report
31 summarizing the findings and results of the program; the program must include a

1 requirement for an assessment before a prisoner's release on parole, furlough, or
2 electronic monitoring from a correctional facility;

3 (8) establish a procedure that provides for each prisoner required to
4 serve an active term of imprisonment of 30 days or more a written case plan that

5 (A) is provided to the prisoner within 90 days after sentencing;

6 (B) is based on the results of the assessment of the prisoner's
7 risks and needs under (7) of this subsection;

8 (C) includes a requirement to follow the rules of the institution;

9 (D) is modified when necessary for changes in classification,
10 housing status, medical or mental health, and resource availability;

11 (E) includes participation in programming that addresses the
12 needs identified in the assessment;

13 (9) establish a program to begin reentry planning with each prisoner
14 serving an active term of imprisonment of 90 days or more; reentry planning must
15 begin at least 90 days before release on furlough or probation or parole; the reentry
16 program must include

17 (A) a written reentry plan for each prisoner completed upon
18 release on furlough or probation or parole that includes information on the
19 prisoner's proposed

20 (i) residence;

21 (ii) employment or alternative means of support;

22 (iii) treatment options;

23 (iv) counseling services;

24 (v) education or job training services;

25 (B) any other requirements for successful transition back to the
26 community, including electronic monitoring or furlough for the period between
27 a scheduled parole hearing and parole eligibility;

28 (C) coordination with the Department of Labor and Workforce
29 Development to provide access, after release, to job training and employment
30 assistance;

31 (10) for offenders under electronic monitoring, establish

1 (A) minimum standards for electronic monitoring, which may
2 include the requirement of active, real-time monitoring using global
3 positioning systems; and

4 (B) procedures for oversight and approving electronic
5 monitoring programs and systems provided by private contractors; and

6 (11) assist a prisoner in obtaining a valid state identification card if the
7 prisoner does not have a valid state identification card before the prisoner's release; the
8 department shall pay the application fee for the identification card.

9 * **Sec. 2.** AS 33.30.028(a) is amended to read:

10 (a) Notwithstanding any other provision of law, the liability for payment of
11 the costs of medical, psychological, and psychiatric care provided or made available to
12 a prisoner committed to the custody of the commissioner is, subject to (b) **and (e)** of
13 this section, the responsibility of the prisoner and the

14 (1) prisoner's insurer if the prisoner is insured under existing individual
15 health insurance, group health insurance, or any prepaid medical coverage;

16 (2) Department of Health and Social Services if the prisoner is eligible
17 for assistance under AS 47.07 or AS 47.25.120 - 47.25.300;

18 (3) United States Department of Veterans Affairs if the prisoner is
19 eligible for veterans' benefits that entitle the prisoner to reimbursement for the medical
20 care or medical services;

21 (4) United States Public Health Service, the Indian Health Service, or
22 any affiliated group or agency if the prisoner is a Native American and is entitled to
23 medical care from those agencies or groups; and

24 (5) parent or guardian of the prisoner if the prisoner is under the age of
25 18.

26 * **Sec. 3.** AS 33.30.028 is amended by adding a new subsection to read:

27 (e) The department may not pay for any portion of the cost of a gender
28 reassignment medical procedure. In this subsection, "gender reassignment medical
29 procedure" means a surgery or pharmaceutical drug therapy performed or supervised
30 by a physician for the purpose of physiologically changing a person's sex.

31 * **Sec. 4.** AS 39.30.090(a) is amended to read:

1 (a) The Department of Administration may obtain a policy or policies of group
2 insurance covering state employees, persons entitled to coverage under AS 14.25.168,
3 14.25.480, AS 22.25.090, AS 39.35.535, 39.35.880, or former AS 39.37.145,
4 employees of other participating governmental units, or persons entitled to coverage
5 under AS 23.15.136, subject to AS 39.30.093 and the following conditions:

6 (1) a group insurance policy shall provide one or more of the following
7 benefits: life insurance, accidental death and dismemberment insurance, weekly
8 indemnity insurance, hospital expense insurance, surgical expense insurance, dental
9 expense insurance, audiovisual insurance, or other medical care insurance;

10 (2) each eligible employee of the state, the spouse and the unmarried
11 children chiefly dependent on the eligible employee for support, and each eligible
12 employee of another participating governmental unit shall be covered by the group
13 policy, unless exempt under regulations adopted by the commissioner of
14 administration;

15 (3) a governmental unit may participate under a group policy if

16 (A) its governing body adopts a resolution authorizing
17 participation and payment of required premiums;

18 (B) a certified copy of the resolution is filed with the
19 Department of Administration; and

20 (C) the commissioner of administration approves the
21 participation in writing;

22 (4) in procuring a policy of group health or group life insurance as
23 provided under this section or excess loss insurance as provided in AS 39.30.091, the
24 Department of Administration shall comply with the dual choice requirements of
25 AS 21.86.310, and shall obtain the insurance policy from an insurer authorized to
26 transact business in the state under AS 21.09, a hospital or medical service corporation
27 authorized to transact business in this state under AS 21.87, or a health maintenance
28 organization authorized to operate in this state under AS 21.86; an excess loss
29 insurance policy may be obtained from a life or health insurer authorized to transact
30 business in this state under AS 21.09 or from a hospital or medical service corporation
31 authorized to transact business in this state under AS 21.87;

1 (5) the Department of Administration shall make available bid
2 specifications for desired insurance benefits or for administration of benefit claims and
3 payments to (A) all insurance carriers authorized to transact business in this state
4 under AS 21.09 and all hospital or medical service corporations authorized to transact
5 business under AS 21.87 who are qualified to provide the desired benefits; and (B)
6 insurance carriers authorized to transact business in this state under AS 21.09, hospital
7 or medical service corporations authorized to transact business under AS 21.87, and
8 third-party administrators licensed to transact business in this state and qualified to
9 provide administrative services; the specifications shall be made available at least once
10 every five years; the lowest responsible bid submitted by an insurance carrier, hospital
11 or medical service corporation, or third-party administrator with adequate servicing
12 facilities shall govern selection of a carrier, hospital or medical service corporation, or
13 third-party administrator under this section or the selection of an insurance carrier or a
14 hospital or medical service corporation to provide excess loss insurance as provided in
15 AS 39.30.091;

16 (6) if the aggregate of dividends payable under the group insurance
17 policy exceeds the governmental unit's share of the premium, the excess shall be
18 applied by the governmental unit for the sole benefit of the employees;

19 (7) a person receiving benefits under AS 14.25.110, AS 22.25,
20 AS 39.35, or former AS 39.37 may continue the life insurance coverage that was in
21 effect under this section at the time of termination of employment with the state or
22 participating governmental unit;

23 (8) a person electing to have insurance under (7) of this subsection
24 shall pay the cost of this insurance;

25 (9) for each permanent part-time employee electing coverage under
26 this section, the state shall contribute one-half the state contribution rate for permanent
27 full-time state employees, and the permanent part-time employee shall contribute the
28 other one-half;

29 (10) a person receiving benefits under AS 14.25, AS 22.25, AS 39.35,
30 or former AS 39.37 may obtain auditory, visual, and dental insurance for that person
31 and eligible dependents under this section; the level of coverage for persons over 65

1 shall be the same as that available before reaching age 65 except that the benefits
 2 payable shall be supplemental to any benefits provided under the federal old age,
 3 survivors, and disability insurance program; a person electing to have insurance under
 4 this paragraph shall pay the cost of the insurance; the commissioner of administration
 5 shall adopt regulations implementing this paragraph;

6 (11) a person receiving benefits under AS 14.25, AS 22.25, AS 39.35,
 7 or former AS 39.37 may obtain long-term care insurance for that person and eligible
 8 dependents under this section; a person who elects insurance under this paragraph
 9 shall pay the cost of the insurance premium; the commissioner of administration shall
 10 adopt regulations to implement this paragraph;

11 (12) each licensee holding a current operating agreement for a vending
 12 facility under AS 23.15.010 - 23.15.210 shall be covered by the group policy that
 13 applies to governmental units other than the state.

14 * **Sec. 5.** AS 39.30.091 is amended to read:

15 **Sec. 39.30.091. Authorization for self-insurance and excess loss insurance.**
 16 Notwithstanding AS 21.86.310 or AS 39.30.090, and subject to AS 39.30.093, the
 17 Department of Administration may provide, by means of self-insurance, one or more
 18 of the benefits listed in AS 39.30.090(a)(1) for state employees eligible for the benefits
 19 by law or under a collective bargaining agreement and for persons receiving benefits
 20 under AS 14.25, AS 22.25, AS 39.35, or former AS 39.37, and their dependents. The
 21 department shall procure any necessary excess loss insurance under AS 39.30.090.

22 * **Sec. 6.** AS 39.30 is amended by adding a new section to read:

23 **Sec. 39.30.093. Gender reassignment medical procedures not covered.** The
 24 Department of Administration may not provide as part of a benefit under this chapter
 25 insurance coverage for a gender reassignment medical procedure. In this section,
 26 "gender reassignment medical procedure" means a surgery or pharmaceutical drug
 27 therapy performed or supervised by a physician for the purpose of physiologically
 28 changing a person's sex.

29 * **Sec. 7.** AS 47.07 is amended by adding a new section to read:

30 **Sec. 47.07.069. Payment for gender reassignment medical procedures**
 31 **prohibited.** Notwithstanding any other provision of this chapter, the department may

1 not pay for or reimburse the cost of a gender reassignment medical procedure. In this
 2 section, "gender reassignment medical procedure" means a surgery or pharmaceutical
 3 drug therapy performed or supervised by a physician for the purpose of
 4 physiologically changing a person's sex.

5 * **Sec. 8.** AS 47.08.050 is amended to read:

6 **Sec. 47.08.050. Services excluded from coverage.** Annually, the committee
 7 shall determine in light of appropriated funds and expected need the medical expenses
 8 reimbursable under AS 47.08.010 - 47.08.140, except that the following are not
 9 reimbursable:

10 (1) dentistry and optometry unless prescribed by a licensed dentist or
 11 physician as medically necessary as the result of the injury or illness;

12 (2) elective medical or surgical procedures;

13 (3) drugs and medications not prescribed by a licensed physician;

14 (4) services received as a result of a pregnancy or birth without
 15 unusual complications;

16 (5) private psychological or psychiatric treatment or private alcoholism
 17 treatment, unless not available from public agencies or programs;

18 (6) chiropractic services and services provided by a person who
 19 practices naturopathy;

20 (7) services not of a medical nature;

21 (8) medical services currently provided to persons in the custody of the
 22 Department of Corrections;

23 (9) costs incurred before July 1976;

24 **(10) gender reassignment medical procedures; in this paragraph,**
 25 **"gender reassignment medical procedure" means a surgery or pharmaceutical**
 26 **drug therapy performed or supervised by a doctor for the purpose of**
 27 **physiologically changing a person's sex.**

28 * **Sec. 9.** AS 47.25.120 is amended by adding a new subsection to read:

29 (b) Notwithstanding (a) of this section and the other provisions of this chapter,
 30 the department may not pay for or reimburse the cost of a gender reassignment
 31 medical procedure. In this subsection, "gender reassignment medical procedure"

- 1 means a surgery or pharmaceutical drug therapy performed or supervised by a doctor
- 2 for the purpose of physiologically changing a person's sex.