**South Carolina General Assembly**

118th Session, 2009-2010

**S. 985**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Rose and S. Martin

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Introduced in the Senate on January 12, 2010

Currently residing in the Senate Committee on **Banking and Insurance**

Summary: Health insurance

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/9/2009 Senate Prefiled

12/9/2009 Senate Referred to Committee on **Banking and Insurance**

1/12/2010 Senate Introduced and read first time [SJ](file:///h:\SJ%20Archive\2010\01-12-10.docx)‑46

1/12/2010 Senate Referred to Committee on **Banking and Insurance** [SJ](file:///h:\SJ%20Archive\2010\01-12-10.docx)‑46

**VERSIONS OF THIS BILL**

[12/9/2009](file:///p:\pprever\2009-10\985_20091209.docx)

**A** **BILL**

TO AMEND CHAPTER 71, TITLE 38 OF THE 1976 CODE, RELATING TO HEALTH INSURANCE COVERAGE, BY ADDING SECTION 38‑71‑45, TO PROVIDE THAT A WOMAN CANNOT BE DENIED HEALTH INSURANCE COVERAGE BECAUSE SHE HAS UNDERGONE A CESAREAN SECTION, AND TO PROVIDE THAT AN INJURY OR CONDITION RESULTING FROM A CESAREAN SECTION SHALL NOT BE CONSIDERED A PREEXISTING CONDITION; AND BY ADDING SECTION 38‑71‑48 TO PROVIDE THAT A PERSON MAY NOT BE DENIED COVERAGE BASED UPON THE APPLICANT’S OR INSURED’S STATUS AS A VICTIM OF DOMESTIC VIOLENCE OR ABUSE, AND TO PROVIDE THAT AN INJURY OR CONDITION RESULTING FROM DOMESTIC VIOLENCE OR ABUSE SHALL NOT BE CONSIDERED A PREEXISTING CONDITION.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Chapter 71, Title 38 of the 1976 Code is amended by adding:

“Section 38‑71‑45. (A) No health maintenance organization, individual and group health insurance policy, or contract issued or renewed in this State may deny coverage, refuse to issue or renew, cancel or otherwise terminate, restrict, or exclude any person from any health benefit plan on the basis that the applicant or insured has undergone a Cesarean section.

(B) No health benefit plan shall deny a claim on the basis that the insured has undergone a Cesarean section.

(C) An injury or condition resulting from a Cesarean section shall not be considered a preexisting condition.

(D) For purposes of this section, ‘health insurance policy’ means a health benefit plan, contract, or evidence of coverage providing health insurance coverage as defined in Section 38‑71‑670(6) and Section 38‑71‑840(14).”

SECTION 2. Chapter 71, Title 38 of the 1976 Code is amended by adding:

“Section 38‑71‑48. (A) No health maintenance organization, individual and group health insurance policy, or contract issued or renewed in this State may deny coverage, refuse to issue or renew, cancel or otherwise terminate, restrict, or exclude any person from any health benefit plan on the basis of the applicant’s or insured’s status as a victim of domestic violence or abuse as defined in Sections 16‑25‑20 and 20‑4‑20.

(B) No health benefit plan shall deny a claim on the basis of the applicant’s or insured’s status as a victim of domestic violence or abuse.

(C) An injury or condition resulting from domestic violence or abuse shall not be considered a preexisting condition.

(D) For purposes of this section, ‘health insurance policy’ means a health benefit plan, contract, or evidence of coverage providing health insurance coverage as defined in Section 38‑71‑670(6) and Section 38‑71‑840(14).”

SECTION 3. This act takes effect upon approval by the Governor.

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