

# ACT No. 281

2023 Regular Session

HOUSE BILL NO. 578

BY REPRESENTATIVE GLOVER

1 AN ACT

2 To enact R.S. 22:1041.1 and R.S. 40:1295, relative to a smoking cessation benefits  
3 program; to establish and promote a program to assist with smoking cessation; to  
4 provide for health insurance and Medicaid coverage for smoking cessation benefits;  
5 to provide for the promulgation of rules and regulations; to provide for definitions;  
6 to provide for an effective date; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 22:1041.1 is hereby enacted to read as follows:

9 §1041.1. Smoking cessation benefits; coverage

10 A.(1) Any health coverage plan delivered or issued for delivery in this state  
11 shall include coverage for smoking cessation benefits for a minimum period of six  
12 months if a licensed physician recommends and certifies that the smoking cessation  
13 benefits may help the person to quit smoking.

14 (2) The coverage required in this Section shall not be subject to annual  
15 deductibles, coinsurance, copayment, or any other out-of-pocket or cost-sharing  
16 expense provisions.

17 B. For purposes of this Section, the following definitions apply:

18 (1) "Health coverage plan" means any hospital, health, or medical expense  
19 insurance policy, hospital or medical service contract, employee welfare benefit plan,  
20 contract, or other agreement with a health maintenance organization or a preferred  
21 provider organization, health and accident insurance policy, or any other insurance

1 contract of this type in this state, including a group insurance plan, a self-insurance  
2 plan, and the Office of Group Benefits programs. "Health coverage plan" shall not  
3 include a plan providing coverage for excepted benefits as defined in R.S. 22:1061,  
4 limited benefit health insurance plans, and short-term policies that have a term of  
5 less than twelve months.

6 (2) "Smoking cessation benefits" means smoking cessation treatments and  
7 services, including individual counseling, group counseling, nicotine patches,  
8 nicotine gum, nicotine lozenges, nicotine nasal spray, nicotine inhaler, bupropion,  
9 and varenicline.

10 Section 2. R.S. 40:1295 is hereby enacted to read as follows:

11 §1295. Smoking cessation benefits program; medical assistance program; coverage

12 A. For the purposes of this Section, the following terms have the following  
13 meanings:

14 (1) "Department" means the Louisiana Department of Health.

15 (2) "Medical assistance program" means the medical assistance program  
16 provided for in Title XIX of the Social Security Act as administered by the Louisiana  
17 Department of Health.

18 (3) "Smoking cessation benefits" means smoking cessation treatments and  
19 services, including individual counseling, group counseling, nicotine patches,  
20 nicotine gum, nicotine lozenges, nicotine nasal spray, nicotine inhaler, bupropion,  
21 and varenicline.

22 B.(1) The smoking cessation benefits provided for in R.S. 22:1041.1 shall be  
23 a covered service in the medical assistance program.

24 (2) The smoking cessation benefits coverage required by this Subsection  
25 shall not be subject to any co-payments, deductibles, or other cost-sharing  
26 mechanisms.

27 C. The department shall promulgate and enforce such rules, regulations, and  
28 minimum standards as needed to carry out the provisions of this Section.

29 Section 3. The provisions of Section 1 of this Act shall apply to any new policy,  
30 contract, program, or health coverage plan issued on and after January 1, 2024. Any policy,

1 contract, or health coverage plan in effect prior to January 1, 2024, shall convert to conform  
2 to the provisions of this Act on or before the renewal date, but no later than January 1, 2025.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_