

No. 1994-89

## AN ACT

SB 1396

Establishing a public information and education program on diethylstilbestrol in the Department of Health; and providing for the powers and duties of the Department of Health and for certain health insurance policies.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

**Section 1. Short title.**

This act shall be known and may be cited as the Diethylstilbestrol Public Information and Education Act.

**Section 2. Definitions.**

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

“Department.” The Department of Health of the Commonwealth.

“DES.” The chemical diethylstilbestrol.

“Exposed person.” A person who either took diethylstilbestrol (DES) while pregnant or one who was exposed prenatally or the offspring of a person who was exposed prenatally.

“Prenatal.” In a stage of biological development which follows conception but precedes birth; in utero.

**Section 3. Public information and education program.**

(a) Purpose.—For the purpose of educating exposed persons to the potential hazards and afflictions of DES concerning the symptoms and early detection of associated malignancies and other abnormalities, the department shall establish, promote and maintain public and professional information and education programs on DES.

(b) Public information and education.—The program shall be conducted throughout this Commonwealth and shall include, but not be limited to, a concerted effort to reaching exposed persons. The purpose of the campaign will be to encourage exposed persons to seek medical care and to inform the public of DES-related conditions.

(c) Professional information and education.—The department shall offer information to such health care providers who would usually encounter exposed persons. These practitioners shall include: urologists, oncologists, family practitioners, obstetricians/gynecologists, nurse midwives, certified registered nurse practitioners, physician’s assistants, internists, applicable medical school departments and family planning councils. Additionally, the department shall urge such practitioners to include screening relating to exposure to DES as a part of the patient medical history.

**Section 4. Report.**

The department shall make a report to the General Assembly two years after the effective date of this act of its findings and recommendations concerning impact, effectiveness and benefits derived from the program provided under section 3.

**Section 5. Insurance.**

(a) Adverse action prohibited.—An individual or group health insurance policy shall not be denied, canceled or nonrenewed, or provide an exclusion or any restriction imposed, because the insured is an exposed person.

(b) Policy defined.—A policy is a subscriber contract or certificate which is issued by an entity to cover health, hospital, medical or surgical services for an individual and is subject to:

(1) Section 630 of the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921.

(2) The act of December 29, 1972 (P.L.1701, No.364), known as the Health Maintenance Organization Act.

(3) The act of December 14, 1992 (P.L.835, No.134), known as the Fraternal Benefit Societies Code.

(4) The provisions of 40 Pa.C.S. Ch. 61 (relating to hospital plan corporations).

(5) The provisions of 40 Pa.C.S. Ch. 63 (relating to professional health services plan corporations).

(6) An employee welfare benefit plan as defined in section 3 of the Employee Retirement Income Security Act of 1974 (Public Law 93-406, 88 Stat. 829).

**Section 6. Regulations.**

The department may adopt regulations to implement the provisions of this act.

**Section 7. Effective date.**

This act shall take effect July 1, 1995.

APPROVED—The 13th day of October, A.D. 1994.

ROBERT P. CASEY