

MENTAL HEALTH PARITY LAWS

The following chart outlines mental health parity laws in the fifty states. Definitions of mental health parity vary dramatically among states, from a narrow, biologically-based definition which includes specific diagnoses to a broad-based definition that could encompass every diagnoses listed in the Fourth version of the Diagnostic and Statistical Manual (DSM IV). States with coverage requirements for alcohol or substance abuse are designated in the first column, states with narrow, biologically based definitions of mental illness are designated in the second column, states with broader coverage requirements are designated in the third column, and market applicability is designated in the last column.

State	Statute	Year	Covered Services/Illnesses			Applicability	
			Alcoholism or Substance Abuse	Serious or Biological Illnesses	Full Mental Health Parity	Group Market	Individual Market
Alabama ¹	AL H.B. 677	2000					
Alaska ²							
Arizona ³	AZ Rev. State. Ann. § 20-2322	1998					
Arkansas ⁴	AR Code § 23-00-506	1997				✓	
California	CA Ins. Code § 10144.5	2000		X			
Colorado	CO Code § 10-16-104 (5) and (5.5)	1998 1992		X			
Connecticut	CT Code § 38a-488a and § 38a-514	2000			X	✓	✓
Delaware	DE Code Title 18 §§ 3343	1999	X	X			
Florida ⁵	FL Code § 627.668	1992					
Georgia ⁶	GA Code §§ 33-24-29 and 33-24-28.1	1998				✓	✓
Hawaii	HI Rev. State. §§ 431M1-7	1999 1998		X		✓	✓
Idaho	Does not have a mental health parity provision.						
Illinois	Ill. Rev. State. Ch. 215 5/37c	1991		X		✓	

¹ Alabama requires large group plans to offer coverage but excludes coverage for alcohol or substance abuse.

² Alaska currently only requires the state employee health plan to provide coverage for mental illness.

³ Arizona has a broad definition and requires coverage only for groups plans providing coverage to more than 50 employees if they currently offer mental health benefits coverage. Cost increase exemption of 1%.

⁴ Arkansas has a broad definition and requires coverage for groups covering over 50 lives. Cost increase exemption of 1.5%.

⁵ Florida has a broad definition and requires group plans to offer coverage.

⁶ Georgia has a broad definition and requires both individual and group plans to offer mental health coverage.

State	Statute	Year	Covered Services/Illnesses			Applicability	
			Alcoholism or Substance Abuse	Serious or Biological Illnesses	Full Mental Health Parity	Group Market	Individual Market
Indiana ⁷	IN Code §§ 27-13-7-14.8 and 5-10-8-9	1999		X		✓	✓
Iowa	Does not have a mental health parity provision.						
Kansas	K.S.A. 40-2258	2001		X		✓	
Kentucky ⁸	KRS 304.17A-660	2000	X			✓	
Louisiana	LA Rev. State. Ann. § 22.669(1)	2000		X		✓	✓
Maine	ME Rev. State. Title § 2325-A	1996					
Maryland	MD Ins. Code § 15-802	1994			X		
Massachusetts	MA S.B. 2036/Chapter 80	2000		X		✓	✓
Michigan ⁹	S.B. 1209	2000				✓	✓
Minnesota	MN Stat. § 62A.152	2000			X	✓	
Mississippi ¹⁰	MS Code Ann. §§ 83-9-37 to 83-9-41	2001				✓	
Missouri	MO Code § 376.825	2000	X	X		✓	✓
Montana ¹¹	MT Code Ann. §§ 33-22-701 through 33-22-706	2000		X		✓	✓
Nebraska	NE Code §§ 44-791 to 44-795	2000		X		✓	
Nevada ¹²	NV Rev. Stat §§ 689A.0455, 689B.0359, 695B.1938 and 695C.1738	2000		X		✓	✓
New Hampshire ¹³	NH Rev. Stat. §§ 415-18a and 417 E-1	1993		X		✓	✓
New Jersey	NJ Code §§ 17:48-6v, 17:48A-7u and 17B:26-2	1999		X		✓	✓
New Mexico ¹⁴	NM Stat. Ann. § 59A-23E-18	2000		X		✓	

⁷ Indiana requires coverage for individuals and groups with over 50 employees. Cost increase exemption of 4%.

⁸ Kentucky allows an exemption for group plans with less than 50 employees.

⁹ Michigan requires a minimum benefit for group plans and individual HMO plans and includes a 3% cost increase exemption.

¹⁰ Mississippi require groups with 100 or more to provide coverage under a broad definition. Groups with fewer than 100 employees must offer coverage.

¹¹ All group and individual plans in Montana must provide coverage for serious or biologically based mental illnesses.

¹² Large group and individual plans must provide coverage. Cost increase exemption of 2%.

¹³ All group, individual and HMO plans must provide certain mental health benefits. Definitions vary between group and individual policies, groups are required to provide complete parity for serious or biologically based mental illnesses.

¹⁴ New Mexico provides exemptions based on group size if cost increases are experienced.

State	Statute	Year	Covered Services/Illnesses			Applicability	
			Alcoholism or Substance Abuse	Serious or Biological Illnesses	Full Mental Health Parity	Group Market	Individual Market
New York ¹⁵	NY Ins. Law § 3221(1)(5)(A)	1998				✓	
North Carolina	Coverage mandated only for the North Carolina State Employee Health Plan						
North Dakota	ND Code § 26.1-36-09 and § 26.1-36-08	1995	X			✓	
Ohio ¹⁶	OH Rev. Code Ann. § 3923.30	1985				✓	
Oklahoma	OK Stat. Title 36 §§ 6060.10 through 6060.12	2000		X			
Oregon	OR Rev. Stat. § 743.556	2000	X	X		✓	
Pennsylvania ¹⁷	H.B. 366	1998		X		✓	
Rhode Island	RI General Laws § 27-28-2.1	1995, 2001	X	X		✓	✓
South Carolina ¹⁹	SC Code Ann. § 38-71-98	1998	X			✓	
South Dakota	SD Code § 58-17-98	1998		X		✓	✓
Tennessee	TN Code §§ 58-17-98	1998	X			✓	
Texas ²⁰	TX Ins. Code Section 1, Article 3.51.14	1997		X		✓	
Utah ²¹	UT Code § 31A-22-720	2001				✓	
Vermont	VT Stat. Ann. Title 8 § 4089b	1998			X	✓	✓
Virginia	VA Code § 38.2-3412.1	2000	X	X		✓	✓
Washington ²¹	WA Rev. Code § 48.21.240	1987					
West Virginia ²²	WV Code § 33-16-3a	1998	X			✓	✓
Wisconsin ²³	WI Stat. § 632.89						
Wyoming	Does not have a mental health parity provision.						

¹⁵ New York requires all group plans to offer coverage using a broad definition.

¹⁶ Ohio requires all group plans that offer coverage to provide coverage under a broad definition.

¹⁷ Pennsylvania requires large group plans to provide coverage for serious or biologically based mental illness.

¹⁹ South Carolina requires all group plans to offer coverage under a broad definition.

²⁰ Texas requires all large group plans to provide coverage and all small group plans to offer coverage.

²¹ Utah requires all group plans with more than 50 employees to provide coverage under a broad definition excluding alcohol or substance abuse.

²¹ Washington requires group plans offering disability coverage to offer mental health benefits under a broad definition.

²² West Virginia requires group and individual health plans to offer coverage for mental health. Cost increase exemption of 1%.

²³ Wisconsin requires group or blanket disability plans to provide coverage under a broad definition.