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HOUSE BILL NO. 1400

Offered January 22, 2026

A *BILL to amend and reenact § 38.2-3414.1 of the Code of Virginia, relating to health insurance; coverage for maternal mental health screenings.*

Patrons—Franklin, M.A., Anthony, Thomas, Bennett-Parker, Cousins, Henson, Keys-Gamarra, LeVere Bolling, Mehta, Nivar, Pope Adams, Price and Tran

Referred to Committee on Labor and Commerce

Be it enacted by the General Assembly of Virginia:

1. That § 38.2-3414.1 of the Code of Virginia is amended and reenacted as follows:

§ 38.2-3414.1. Obstetrical benefits; coverage for maternal mental health postpartum services.

A. ~~Each~~ *As used in this section, "maternal mental health" means a mental health condition that occurs during pregnancy or during the postpartum period and includes postpartum depression.*

B. *Notwithstanding the provisions of § 38.2-3419 or subdivision A 1 of § 38.2-6506, each insurer proposing to issue an individual or group hospital policy or major medical policy in this Commonwealth, each corporation proposing to issue an individual or group hospital, medical or major medical subscription contract, and each health maintenance organization providing a health care plan for health care services that provides benefits for obstetrical services shall provide coverage for maternal mental health screenings and postpartum services as provided in this section.*

~~B.~~ C. *Such coverage shall include benefits for inpatient care and a home visit or visits which shall be in accordance with the medical criteria, outlined in the most current version of or an official update to the "Guidelines for Perinatal Care" prepared by the American Academy of Pediatrics and the American College of Obstetricians and Gynecologists or the "Standards for Obstetric-Gynecologic Services" prepared by the American College of Obstetricians and Gynecologists. Such coverage shall be provided incorporating any changes in such Guidelines or Standards within six months of the publication of such Guidelines or Standards or any official amendment thereto.*

~~C.~~ *The requirements of this section shall apply to all insurance policies, contracts and plans delivered, issued for delivery, reissued, or extended on and after July 1, 1996, or at any time thereafter when any term of the policy, contract or plan is changed or any premium adjustment is made.*

D. *Such coverage for maternal mental health screenings shall include at least one maternal mental health screening to be conducted during pregnancy, at least one additional screening to be conducted during the first six weeks of the postpartum period, and additional postpartum screenings, if determined to be medically necessary and clinically appropriate in the judgment of the treating provider.*

E. *Coverage for a prescription drug for the treatment of a maternal mental health condition shall not be subject to prior authorization requirements or step therapy protocols.*

F. *This section shall not apply to short-term travel, accident only, or limited or specified disease policies or contracts, nor to policies or contracts designed for issuance to persons eligible for coverage under Title XVIII of the Social Security Act, known as Medicare, or any other similar coverage under state or federal governmental plans.*

2. That the provisions of this act shall apply to any individual or group accident and sickness insurance policy, individual or group accident and sickness subscription contract, or health care plan for health care services delivered, issued for delivery, or renewed in the Commonwealth on and after January 1, 2027.

INTRODUCED

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