



STATE OF KANSAS

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ATTORNEY GENERAL

August 29, 1979

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ATTORNEY GENERAL OPINION NO. 79- 198

Mr. Samuel L. Schuetz
Brown County Attorney
Hiawatha, Kansas 66434

Re: Pregnancy Discrimination Act--Benefits Required
Under Fringe Benefit Programs

Synopsis: The Pregnancy Discrimination Act, Pub. L. 95-555, 92 Stat. 2076 (1978), amends section 701 of the Civil Rights Act of 1964 and provides that women affected by pregnancy, childbirth, or related medical conditions shall be treated the same for all employment-related purposes, including receipt of benefits under fringe benefit programs, as other persons not so affected but similar in their ability or inability to work. Accordingly, any health insurance plan adopted by an employer (which employer is subject to Title VII of the Civil Rights Act of 1964) must provide benefits for pregnancy, childbirth, or related medical conditions on the same terms and conditions as benefits are provided for other illnesses and temporary disabilities.

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Dear Mr. Schuetz:

You request our opinion as to whether the Pregnancy Discrimination Act, Pub. L. 95-555, 92 Stat. 2076 (1978), requires Brown County to provide pregnancy coverage to its employees through its employee health plan.

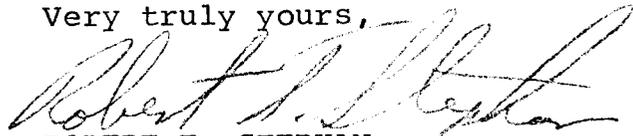
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The Pregnancy Discrimination Act amends section 701 of the Civil Rights Act of 1964 and provides that "women affected by pregnancy, childbirth, or related medical conditions shall be treated the same for all employment-related purposes, including receipt of benefits under fringe benefit programs, as other persons not so affected but similar in their ability or inability to work." Accordingly, any health insurance plan adopted by an employer, which employer is subject to Title VII of the Civil Rights Act of 1964 [see 42 U.S.C. §2000e(b), (f), and (h)], must provide benefits for pregnancy, childbirth, or related medical conditions on the same terms and conditions as benefits are provided for other illnesses and temporary disabilities.

This does not mean that an employer must offer family coverage to all employees. Rather, it simply requires that an employer providing individual employee coverage obtain a rider which will make such coverage applicable to pregnancy, childbirth, or related medical conditions. Thus, if 80% of non-pregnancy related expenses are covered, the same percentage must apply to pregnancy-related conditions.

In the absence of any indication that Brown County is not subject to Title VII of the Civil Rights Act of 1964, it is our opinion that Brown County must comply with the provisions of the Pregnancy Discrimination Act, as those provisions are construed herein.

Very truly yours,



ROBERT T. STEPHAN
Attorney General of Kansas



Terrence R. Hearshman
Assistant Attorney General

RTS:BJS:TRH:jm