

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 942

H.P. 697

House of Representatives, February 21, 2019

An Act To Require Reimbursement for Medical Marijuana

Reference to the Committee on Health and Human Services suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative COLLINGS of Portland.
Cosponsored by Senator DILL of Penobscot and
Representatives: BROOKS of Lewiston, HARNETT of Gardiner, KESSLER of South
Portland, LANDRY of Farmington, MAXMIN of Nobleboro, McDONALD of Stonington,
STANLEY of Medway, WARREN of Hallowell.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **PART A**

3 **Sec. A-1. 22 MRSA §2426, sub-§2, ¶A**, as enacted by IB 2009, c. 1, §5, is
4 amended to read:

5 A. A government medical assistance program or private health insurer, except as
6 provided in Title 24-A, sections 2717-B, 2829-B and 4320-L, to reimburse a person
7 for costs associated with the medical use of marijuana; or

8 **Sec. A-2. 24 MRSA §2317-B, sub-§6-A** is enacted to read:

9 **6-A. Title 24-A, sections 2717-B, 2829-B and 4320-L.** Coverage for marijuana for
10 medical use, Title 24-A, sections 2717-B, 2829-B and 4320-L;

11 **Sec. A-3. 24-A MRSA §2717-B** is enacted to read:

12 **§2717-B. Coverage for marijuana for medical use**

13 An insurer that provides benefits for accidental injury or disability in this State shall
14 provide coverage for marijuana for medical use for an insured in accordance with this
15 section.

16 **1. Certification required.** An insurer shall provide coverage to an insured who has
17 received certification for the medical use of marijuana from a medical provider under
18 Title 22, section 2423-B.

19 **2. Reimbursement for out-of-pocket costs.** An insurer shall directly reimburse an
20 insured for the documented out-of-pocket costs:

21 A. Associated with obtaining certification from a medical provider authorized under
22 Title 22, chapter 558-C, including any office visits with that medical provider, subject
23 to any applicable copayment, coinsurance, deductible or other cost-sharing
24 requirements under an insured's policy; and

25 B. To purchase and use marijuana for medical use in accordance with the
26 certification from the medical provider under paragraph A.

27 **Sec. A-4. 24-A MRSA §2829-B** is enacted to read:

28 **§2829-B. Coverage for marijuana for medical use**

29 An insurer that provides benefits for accidental injury or disability in this State shall
30 provide coverage for marijuana for medical use for an insured in accordance with this
31 section.

32 **1. Certification required.** An insurer shall provide coverage to an insured who has
33 received certification for the medical use of marijuana from a medical provider under
34 Title 22, section 2423-B.

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8-A. Marijuana for medical use. An employee sustaining a personal injury arising out of and in the course of employment is entitled to the medical use of marijuana as a treatment for that injury if the employee has received certification for the medical use of marijuana from a medical provider under Title 22, section 2423-B. Notwithstanding section 209-A, the employer shall directly reimburse the employee for the documented out-of-pocket costs:

A. Associated with obtaining certification from a medical provider authorized under Title 22, chapter 558-C, including any office visits with that medical provider; and

B. To purchase and use marijuana for medical use in accordance with the certification from the medical provider under paragraph A.

SUMMARY

Part A of this bill requires a health insurance carrier to provide coverage for marijuana for medical use for a health plan enrollee who has received certification for the medical use of marijuana from an authorized medical provider. Carriers are required to directly reimburse a health plan enrollee for the costs of obtaining a medical marijuana certificate and the costs of medical marijuana. The requirements apply to all individual and group policies and contracts issued or renewed on or after January 1, 2020.

Part A also applies the same requirements to individual and group accidental injury and disability insurance.

Part B of the bill requires an employer to reimburse an employee eligible for workers' compensation benefits for the costs of obtaining a medical marijuana certificate and the costs of medical marijuana.