

MAINE STATE LEGISLATURE

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Date: 5/8/25 Minority

(Filing No. H-120)

HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES

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STATE OF MAINE HOUSE OF REPRESENTATIVES 132ND LEGISLATURE FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 96, L.D. 163, "An Act to Require Health Insurance Coverage for Federally Approved Nonprescription Oral Hormonal Contraceptives and Nonprescription Emergency Contraceptives"

Amend the bill in section 2 in subsection 4 in paragraph E in the 6th line (page 1, line 43 in L.D.) by inserting after the following: "pharmacy" the following: 'counter'

Amend the bill in section 2 in subsection 4 in paragraph E in the last 3 lines (page 2, lines 2 to 4 in L.D.) by striking out the following: "The pharmacy may use a standing order to facilitate billing for a nonprescription oral hormonal contraceptive or nonprescription emergency contraceptive in accordance with this paragraph."

Amend the bill in section 2 in subsection 4 by inserting after paragraph E the following:

'F. The superintendent shall monitor compliance with the requirements for coverage of nonprescription oral hormonal contraceptives and nonprescription emergency contraceptives and any rules adopted in accordance with subsection 5, including any complaints or barriers to implementation.'

Amend the bill in section 5 in subsection 3 in paragraph F in the 5th line (page 3, line 10 in L.D.) by inserting after the following: "purchase" the following: 'at the pharmacy counter'

Amend the bill in section 5 in subsection 3 in paragraph F in the last 4 lines (page 3, lines 11 to 14 in L.D.) by striking out the following: "The pharmacy may use a standing order to facilitate billing for a nonprescription oral hormonal contraceptive or nonprescription emergency contraceptive in accordance with this paragraph."

Amend the bill in section 5 in subsection 3 by inserting after paragraph F the following:

'G. The superintendent shall monitor compliance with the requirements for coverage of nonprescription oral hormonal contraceptives and nonprescription emergency contraceptives and any rules adopted in accordance with subsection 4, including any complaints or barriers to implementation.'

Amend the bill in section 8 in subsection 4 in paragraph F in the 5th line (page 4, line 21 in L.D.) by inserting after the following: "pharmacy" the following: 'counter'

Amend the bill in section 8 in subsection 4 in paragraph F in the last 3 lines (page 4, lines 23 to 25 in L.D.) by striking out the following: "The pharmacy may use a standing order to facilitate billing for a nonprescription oral hormonal contraceptive or nonprescription emergency contraceptive in accordance with this paragraph."

Amend the bill in section 8 in subsection 4 by inserting after paragraph F the following:

'G. The superintendent shall monitor compliance with the requirements for coverage of nonprescription oral hormonal contraceptives and nonprescription emergency contraceptives and any rules adopted in accordance with subsection 5, including any complaints or barriers to implementation.'

Amend the bill in section 11 in subsection 4 in paragraph F in the 6th line (page 5, line 31 in L.D.) by inserting after the following: "pharmacy" the following: 'counter'

Amend the bill in section 11 in subsection 4 in paragraph F in the last 4 lines (page 5, lines 32 to 35 in L.D.) by striking out the following: "The pharmacy may use a standing order to facilitate billing for a nonprescription oral hormonal contraceptive or nonprescription emergency contraceptive in accordance with this paragraph."

Amend the bill in section 11 in subsection 4 by inserting after paragraph F the following:

'G. The superintendent shall monitor compliance with the requirements for coverage of nonprescription oral hormonal contraceptives and nonprescription emergency contraceptives and any rules adopted in accordance with subsection 5, including any complaints or barriers to implementation.'

Amend the bill by striking out all of section 15 and inserting the following:

'Sec. 15. Appropriations and allocations. The following appropriations and allocations are made.

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Departments and Agencies - Statewide 0016

Initiative: Provides funding for the expansion of the requirements in current law for coverage of contraceptives to include nonprescription oral hormonal contraceptives and nonprescription emergency contraceptives approved by the federal Food and Drug Administration. The expanded requirements apply to health plans issued or renewed on or after January 1, 2026.

GENERAL FUND	2025-26	2026-27
All Other	\$0	\$62,016
GENERAL FUND TOTAL	\$0	\$62,016
 HIGHWAY FUND	 2025-26	 2026-27
All Other	\$0	\$21,571
HIGHWAY FUND TOTAL	\$0	\$21,571

1
2 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
3 number to read consecutively.

4 **SUMMARY**

5 This amendment, which is the minority report of the committee, strikes language in the
6 bill authorizing a pharmacist to use a standing order to facilitate billing for a
7 nonprescription oral hormonal contraceptive or nonprescription emergency contraceptive
8 and clarifies that enrollees must purchase contraceptives at the pharmacy counter in order
9 to be reimbursed by a health insurance carrier for an out-of-pocket payment. The
10 amendment also removes from the bill the requirement that the Department of Professional
11 and Financial Regulation, Bureau of Insurance submit a report to the Legislature but retains
12 language requiring the bureau to monitor compliance with the bill's requirements on an
13 ongoing basis.

14 **FISCAL NOTE REQUIRED**

15 (See attached)

**132nd MAINE LEGISLATURE****LD 163****LR 73(02)****An Act to Require Health Insurance Coverage for Federally Approved Nonprescription Oral Hormonal Contraceptives and Nonprescription Emergency Contraceptives****Fiscal Note for Bill as Amended by Committee Amendment "A" (H-120)**
Committee: Health Coverage, Insurance and Financial Services**Fiscal Note Required: Yes**

Fiscal Note

	FY 2025-26	FY 2026-27	Projections FY 2027-28	Projections FY 2028-29
Net Cost (Savings)				
General Fund	\$0	\$62,016	\$62,016	\$62,016
Highway Fund	\$0	\$21,571	\$21,571	\$21,571
Appropriations/Allocations				
General Fund	\$0	\$62,016	\$62,016	\$62,016
Highway Fund	\$0	\$21,571	\$21,571	\$21,571

Fiscal Detail and Notes

The bill requires the State Employee Health Plan to cover nonprescription oral hormonal contraceptives and nonprescription emergency contraceptives approved by the federal Food and Drug Administration.

The requirements of the bill apply to health plans issued or renewed on or after January 1, 2026. The State Employee Health Plan's first impacted plan year will be fiscal year 2026-27 and is estimated to cost \$134,818 annually thereafter. The costs are split across the General Fund (\$62,016), Highway Fund (\$21,571), and all other funds (\$51,231).