

# MAINE STATE LEGISLATURE

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# 120th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2001

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Legislative Document

No. 484

H.P. 382

House of Representatives, February 1, 2001

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**An Act to Mandate Smoking Cessation Services for Health Insurance.**

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Reference to the Committee on Banking and Insurance suggested and ordered printed.

*Millicent M. MacFarland*

MILLICENT M. MacFARLAND, Clerk

Presented by Representative O'NEIL of Saco.

Cosponsored by Representatives: DUNLAP of Old Town, KANE of Saco, MAYO of Bath,

Senator: DOUGLASS of Androscoggin.

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

4 **Sec. 1. 24 MRSA §2317-B, sub-§12-A** is enacted to read:

6 12-A. Title 24-A, sections 2759 and 2847-J. Coverage for smoking cessation services, Title 24-A, sections 2759 and 2847-J.

8 **Sec. 2. 24-A MRSA §2759** is enacted to read:

10 §2759. Coverage for smoking cessation services

12 1. Definition. As used in this section, "quit attempt" means smoking cessation services consisting of:

14 A. Two office visits with the insured's treating physician or other appropriate health care practitioner;

18 B. One follow-up telephone call from the insured's treating physician or other appropriate health care practitioner; and

20 C. A 2-month supply of prescription drugs approved for smoking cessation purposes by the federal Food and Drug Administration that are prescribed by the insured's treating physician or other appropriate health care practitioner.

26 2. Coverage for smoking cessation services. An insurer that issues individual contracts shall provide coverage under those contracts for smoking cessation services. Coverage must be provided for no more than 3 quit attempts for each insured. This subsection does not require an insurer to provide coverage for over-the-counter smoking cessation products sold without a prescription.

34 3. Limits; coinsurance; deductibles. Any contract that provides coverage for the services required under this section may contain provisions for maximum benefits and coinsurance and reasonable limitations, deductibles and exclusions to the extent that those provisions are not inconsistent with the requirements of this section.

40 **Sec. 3. 24-A MRSA §2847-J** is enacted to read:

42 §2847-J. Coverage for smoking cessation services

44 1. Definition. As used in this section, "quit attempt" means smoking cessation services consisting of:

48 A. Two office visits with the insured's treating physician or other appropriate health care practitioner;

50

2 B. One follow-up telephone call from the insured's treating  
physician or other appropriate health care practitioner; and

4 C. A 2-month supply of prescription drugs approved for  
smoking cessation purposes by the federal Food and Drug  
6 Administration that are prescribed by the insured's treating  
physician or other appropriate health care practitioner.

8  
10 2. Coverage for smoking cessation services. An insurer  
that issues group contracts shall provide coverage under those  
contracts for smoking cessation services. Coverage must be  
12 provided for no more than 3 quit attempts for each insured. This  
subsection does not require an insurer to provide coverage for  
14 over-the-counter smoking cessation products sold without a  
prescription.

16  
18 3. Limits; coinsurance; deductibles. Any contract that  
provides coverage for the services required under this section  
may contain provisions for maximum benefits and coinsurance and  
20 reasonable limitations, deductibles and exclusions to the extent  
that those provisions are not inconsistent with the requirements  
22 of this section.

24 **Sec. 4. 24-A MRSA §4249 is enacted to read:**

26 **§4249. Coverage for smoking cessation services**

28 1. Definition. As used in this section, "quit attempt"  
means smoking cessation services consisting of:

30  
32 A. Two office visits with the enrollee's treating physician  
or other appropriate health care practitioner;

34 B. One follow-up telephone call from the enrollee's treating  
physician or other appropriate health care practitioner; and

36  
38 C. A 2-month supply of prescription drugs approved for  
smoking cessation purposes by the federal Food and Drug  
40 Administration that are prescribed by the enrollee's  
treating physician or other appropriate health care  
practitioner.

42  
44 2. Coverage for smoking cessation services. A health  
maintenance organization that issues individual and group  
contracts shall provide coverage under those contracts for  
46 smoking cessation services. Coverage must be provided for no  
more than 3 quit attempts for each enrollee. This subsection  
48 does not require a health maintenance organization to provide  
coverage for over-the-counter smoking cessation products sold  
50 without a prescription.

