

MAINE STATE LEGISLATURE

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No. 1667

H.P. 1176

House of Representatives, March 22, 2007

An Act To Require Health Insurers To Provide Coverage for Nutritional Wellness and Prevention

Reference to the Committee on Insurance and Financial Services suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative TUTTLE of Sanford.
Cosponsored by Senator SCHNEIDER of Penobscot and
Representatives: BARSTOW of Gorham, BEAUDOIN of Biddeford, BOLAND of Sanford,
BRAUTIGAM of Falmouth, BURNS of Berwick, CANAVAN of Waterville, GROSE of
Woolwich, WEAVER of York, Senator: SULLIVAN of York.

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

2 **Sec. 1. 24-A MRSA §4316** is enacted to read:

3 **§4316. Coverage for nutritional wellness and prevention**

4 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
5 following terms have the following meanings.

6 **A. "Dietary supplement"** has the same meaning as in the federal Dietary Supplement
7 Health and Education Act of 1994 and means a product, other than tobacco, that:

8 (1) Is intended to supplement the diet and contains one or more dietary
9 ingredients, including, but not limited to, vitamins, minerals, herbs, botanicals,
10 amino acids, concentrates, metabolites, extracts and other substances and their
11 constituents;

12 (2) Is intended for ingestion in pill, capsule, tablet or liquid form;

13 (3) Is not represented for use as a conventional food or the sole item of a meal or
14 diet; and

15 (4) Is labeled as a dietary supplement.

16 **B. "Nutritional wellness and prevention"** means nutritional measures and products,
17 including dietary supplements, whose primary purposes are to enhance health,
18 improve nutritional intake, strengthen the immune system, cleanse the body of toxins,
19 address specific health needs and aid in resisting disease.

20 **2. Required coverage.** A carrier shall provide coverage and reimburse for
21 nutritional wellness and prevention measures that have been shown to be beneficial to an
22 enrollee's health when used as directed by the manufacturer or manufacturer's
23 representative.

24 **3. Application.** The requirements of this section apply to all policies, contracts and
25 certificates executed, delivered, issued for delivery, continued or renewed in this State.
26 For purposes of this section, all contracts are deemed to be renewed no later than the next
27 yearly anniversary of the contract date.

28 **Sec. 2. Application.** The requirements of this Act apply to all policies, contracts
29 and certificates executed, delivered, issued for delivery, continued or renewed in this
30 State on or after January 1, 2008. For purposes of this Act, all contracts are deemed to be
31 renewed no later than the next yearly anniversary of the contract date.

32 **SUMMARY**

33 The purpose of this bill is to improve health, reduce health care usage and costs and
34 help prevent disease through nutritional wellness and prevention measures and allow for
35 nonpharmacological alternatives to enrollees who choose them. The bill requires that
36 health insurance policies provide coverage for nutritional wellness and prevention that is

1 shown to be beneficial to the enrollee. The bill applies to all individual and group
2 policies issued or renewed on or after January 1, 2008.