

# MAINE STATE LEGISLATURE

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# 124th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2009

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**Legislative Document**

**No. 782**

H.P. 533

House of Representatives, February 26, 2009

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

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

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative BOLAND of Sanford.  
Cosponsored by Senator JACKSON of Aroostook and  
Representatives: CRAY of Palmyra, HOGAN of Old Orchard Beach, LAJOIE of Lewiston,  
LEGG of Kennebunk, MORRISON of South Portland, SOCTOMAH of the Passamaquoddy  
Tribe, Senators: ALFOND of Cumberland, BOWMAN 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 and recommended by the enrollee's physician.

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, 2010. 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  
37 shown to be beneficial to the enrollee and recommended by the enrollee's physician. The

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bill applies to all individual and group policies issued or renewed on or after January 1, 2010.