

# MAINE STATE LEGISLATURE

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SWAY  
RODS

Date: 6/7/17

Minority

INSURANCE AND FINANCIAL SERVICES

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
128TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 747, L.D. 1064, Bill, "An Act To Require That Health Insurance Policies Cover Medical Marijuana"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

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

A. A government medical assistance program or private health insurer, except as provided in Title 24-A, section 4320-K, to reimburse a person for costs associated with the medical use of marijuana; or

Sec. 2. 24-A MRSA §4320-K is enacted to read:

**§4320-K. Coverage for marijuana for medical use**

A carrier offering a health plan in this State shall provide coverage for marijuana for medical use for an enrollee in accordance with this section.

1. Certification required. A carrier shall provide coverage to an enrollee who has received certification for the medical use of marijuana from a medical provider under Title 22, section 2423-B.

2. Reimbursement for out-of-pocket costs. A carrier shall directly reimburse an enrollee 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, subject to any applicable copayment, coinsurance, deductible or other cost-sharing requirements under an enrollee's health plan; and

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

Sec. 3. Application. The requirements of this Act apply to all policies, contracts and certificates executed, delivered, issued for delivery, continued or renewed in this

COMMITTEE AMENDMENT

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State on or after January 1, 2019. For purposes of this Act, all contracts are deemed to be renewed no later than the next yearly anniversary of the contract date.

**Sec. 4. Exemption from review.** Notwithstanding the Maine Revised Statutes, Title 24-A, section 2752, this Act is enacted without review and evaluation by the Department of Professional and Financial Regulation, Bureau of Insurance.'

**SUMMARY**

This amendment is the minority report of the committee and replaces the bill. The amendment 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, 2019. The amendment also adds language exempting the amendment's provisions from review and evaluation pursuant to the Maine Revised Statutes, Title 24-A, section 2752.

**FISCAL NOTE REQUIRED**  
**(See attached)**



# 128th MAINE LEGISLATURE

LD 1064

LR 1990(02)

An Act To Require That Health Insurance Policies Cover Medical Marijuana

Fiscal Note for Bill as Amended by Committee Amendment

Committee: Insurance and Financial Services

Fiscal Note Required: Yes

*A(H-460)*

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## Fiscal Note

Potential future biennium cost increase - All Funds

### Fiscal Detail and Notes

The bill requires health insurance contracts executed after January 1, 2019 to provide coverage for marijuana for medical use. The State Employee Health Plan (SEHP) will require no additional appropriations or allocations in the current biennium. Any costs to the SEHP will begin in fiscal year 2019-20. Currently, marijuana is illegal nationwide and is not approved for medical use by the Federal Drug Administration. Thus, there is not ample research or data available to estimate the impact to the state plan in future biennia.