

# MAINE STATE LEGISLATURE

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# 128th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2017

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Legislative Document

No. 1237

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H.P. 860

House of Representatives, March 30, 2017

### **An Act To Require Insurance Coverage for Contraceptive Supplies**

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

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative McCREIGHT of Harpswell.  
Cosponsored by Senator KATZ of Kennebec and  
Representatives: DENNO of Cumberland, DEVIN of Newcastle, MONAGHAN of Cape  
Elizabeth, PERRY of Calais, TEPLER of Topsham, TERRY of Gorham, Senators: CHIPMAN  
of Cumberland, VOLK of Cumberland.

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

2 **Sec. 1. 24-A MRSA §2756, sub-§3** is enacted to read:

3 **3. Coverage of contraceptive supplies.** Coverage required under this section must  
4 include coverage for the dispensing of contraceptive supplies in accordance with the  
5 following requirements. For purposes of this section, "contraceptive supplies" means all  
6 contraceptive drugs and devices approved by the federal Food and Drug Administration  
7 to prevent an unwanted pregnancy.

8 A. Coverage must be provided for a dispensing of contraceptive supplies intended to  
9 last for a:

10 (1) Three-month period for the first dispensing of the contraceptive supply; and

11 (2) Twelve-month period for a subsequent dispensing of the same contraceptive  
12 supply, regardless of whether the policyholder was covered under the policy or  
13 contract at the time of the first dispensing.

14 B. A deductible, copayment, coinsurance or other cost-sharing requirement may not  
15 be imposed on the coverage.

16 C. Except as provided in paragraph A and in the absence of medical necessity, an  
17 insurer may not impose utilization review requirements or other limitations to control  
18 the prescribing or dispensing of contraceptive supplies to an amount that is less than a  
19 12-month supply.

20 D. In no event may a pharmacy, health care provider or other entity licensed or  
21 authorized to dispense contraceptive supplies dispense a greater supply of a  
22 contraceptive supply pursuant to this subsection if the prescription indicates "no  
23 change to quantity" or words of similar meaning.

24 **Sec. 2. 24-A MRSA §2847-G, sub-§4** is enacted to read:

25 **4. Coverage of contraceptive supplies.** Coverage required under this section must  
26 include coverage for the dispensing of contraceptive supplies in accordance with the  
27 following requirements. For purposes of this section, "contraceptive supplies" means all  
28 contraceptive drugs and devices approved by the federal Food and Drug Administration  
29 to prevent an unwanted pregnancy.

30 A. Coverage must be provided for a dispensing of contraceptive supplies intended to  
31 last for a:

32 (1) Three-month period for the first dispensing of the contraceptive supply; and

33 (2) Twelve-month period for a subsequent dispensing of the same contraceptive  
34 supply, regardless of whether the policyholder was covered under the policy or  
35 contract at the time of the first dispensing.

36 B. A deductible, copayment, coinsurance or other cost-sharing requirement may not  
37 be imposed on the coverage.

1 C. Except as provided in paragraph A and in the absence of medical necessity, an  
2 insurer may not impose utilization review requirements or other limitations to control  
3 the prescribing or dispensing of contraceptive supplies to an amount that is less than a  
4 12-month supply.

5 D. In no event may a pharmacy, health care provider or other entity licensed or  
6 authorized to dispense contraceptive supplies dispense a greater supply of a  
7 contraceptive supply pursuant to this subsection if the prescription indicates "no  
8 change to quantity" or words of similar meaning.

9 **Sec. 3. 24-A MRSA §4247, sub-§4** is enacted to read:

10 **4. Coverage of contraceptive supplies.** Coverage required under this section must  
11 include coverage for the dispensing of contraceptive supplies in accordance with the  
12 following requirements. For purposes of this section, "contraceptive supplies" means all  
13 contraceptive drugs and devices approved by the federal Food and Drug Administration  
14 to prevent an unwanted pregnancy.

15 A. Coverage must be provided for a dispensing of contraceptive supplies intended to  
16 last for a:

17 (1) Three-month period for the first dispensing of the contraceptive supply; and

18 (2) Twelve-month period for a subsequent dispensing of the same contraceptive  
19 supply, regardless of whether the policyholder was covered under the policy or  
20 contract at the time of the first dispensing.

21 B. A deductible, copayment, coinsurance or other cost-sharing requirement may not  
22 be imposed on the coverage.

23 C. Except as provided in paragraph A and in the absence of medical necessity, a  
24 health maintenance organization may not impose utilization review requirements or  
25 other limitations to control the prescribing or dispensing of contraceptive supplies to  
26 an amount that is less than a 12-month supply.

27 D. In no event may a pharmacy, health care provider or other entity licensed or  
28 authorized to dispense contraceptive supplies dispense a greater supply of a  
29 contraceptive supply pursuant to this subsection if the prescription indicates "no  
30 change to quantity" or words of similar meaning.

31 **Sec. 4. Application.** The requirements of this Act apply to all policies, contracts  
32 and certificates executed, delivered, issued for delivery, continued or renewed in this  
33 State on or after January 1, 2018. For purposes of this Act, all contracts are deemed to be  
34 renewed no later than the next yearly anniversary of the contract date.

35 **SUMMARY**

36 This bill expands the requirements in current law relating to coverage of  
37 contraceptives to include coverage for contraceptive supplies approved by the federal  
38 Food and Drug Administration for a 3-month supply for the first dispensing and a 12-  
39 month supply for a subsequent dispensing of the same contraceptive supply. Coverage

1 must be provided without imposing any cost-sharing. The requirements apply to all  
2 individual and group policies and contracts issued or renewed on or after January 1, 2018.