

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 820

H.P. 594

House of Representatives, February 14, 2019

An Act To Prevent Discrimination in Public and Private Insurance Coverage for Pregnant Women in Maine

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

Handwritten signature of Robert B. Hunt in cursive.

ROBERT B. HUNT
Clerk

Presented by Representative McCREIGHT of Harpswell.

Cosponsored by Senator VITELLI of Sagadahoc and

Representatives: ACKLEY of Monmouth, BABBIDGE of Kennebunk, BABINE of Scarborough, BAILEY of Saco, BEEBE-CENTER of Rockland, BERRY of Bowdoinham, BLUME of York, BRENNAN of Portland, BROOKS of Lewiston, CAIAZZO of Scarborough, CARDONE of Bangor, CARNEY of Cape Elizabeth, CLOUTIER of Lewiston, COLLINGS of Portland, COOPER of Yarmouth, CUDDY of Winterport, DAUGHTRY of Brunswick, DENK of Kennebunk, DENNO of Cumberland, DODGE of Belfast, DOORE of Augusta, DOUDERA of Camden, DUNPHY of Old Town, EVANGELOS of Friendship, FARNSWORTH of Portland, FECTEAU of Biddeford, FOLEY of Biddeford, GATTINE of Westbrook, Speaker GIDEON of Freeport, GRAMLICH of Old Orchard Beach, HARNETT of Gardiner, HEPLER of Woolwich, HOBBS of Wells, HUBBELL of Bar Harbor, HYMANSON of York, JORGENSEN of Portland, KORNFELD of Bangor, LANDRY of Farmington, MADIGAN of Waterville, MASTRACCIO of Sanford, MATLACK of St. George, McCREA of Fort Fairfield, McDONALD of Stonington, McLEAN of Gorham, MELARAGNO of Auburn, MEYER of Eliot, MOONEN of Portland, O'NEIL of Saco, PEBWORTH of Blue Hill, PEOPLES of Westbrook, PERRY of Calais, PIERCE of Falmouth, RECKITT of South Portland, ROBERTS-LOVELL of South Berwick, RYKERSON of Kittery, SCHNECK of Bangor, SHARPE of Durham, SYLVESTER of Portland, TALBOT ROSS of Portland, TEPLER of Topsham, TERRY of Gorham, TIPPING of Orono, TUCKER of Brunswick, WARREN of Hallowell, ZEIGLER of Montville, Senators: BELLOWS of Kennebec, BREEN of Cumberland, CARSON of Cumberland, CHENETTE of York, CHIPMAN of Cumberland, DESCHAMBAULT of York, DILL of Penobscot, GRATWICK of Penobscot, LIBBY of Androscoggin, LUCHINI of Hancock, MILLETT of Cumberland, MIRAMANT of Knox, SANBORN, H. of Cumberland, SANBORN, L. of Cumberland.

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

2 **Sec. 1. 22 MRSA §3174-BBB** is enacted to read:

3 **§3174-BBB. Coverage for abortion services**

4 **1. Coverage.** The department shall provide coverage for abortion services to a
5 MaineCare member.

6 **2. Funding.** Abortion services that are not federally approved Medicaid services
7 must be funded by state funds.

8 **3. Rulemaking.** No later than March 1, 2020, the department shall adopt rules to
9 implement this section. Rules adopted pursuant to this subsection are routine technical
10 rules as defined in Title 5, chapter 375, subchapter 2-A.

11 **Sec. 2. 24 MRSA §2317-B, sub-§20**, as amended by PL 2013, c. 575, §3, is
12 further amended to read:

13 **20. Title 24-A, chapters 68 and 68-A.** Long-term care insurance, nursing home
14 care insurance and home health care insurance, Title 24-A, chapters 68 and 68-A; ~~and~~

15 **Sec. 3. 24 MRSA §2317-B, sub-§21**, as enacted by PL 2013, c. 575, §4 and
16 affected by §10, is amended to read:

17 **21. Title 24-A, sections 2765-A and 2847-U.** The practice of dental hygiene by a
18 dental hygiene therapist, Title 24-A, sections 2765-A and 2847-U; and

19 **Sec. 4. 24 MRSA §2317-B, sub-§22** is enacted to read:

20 **22. Title 24-A, section 4320-L.** Coverage for abortion services, Title 24-A, section
21 4320-L.

22 **Sec. 5. 24-A MRSA §4320-L** is enacted to read:

23 **§4320-L. Coverage for abortion services**

24 **1. Required coverage.** A carrier offering a health plan in this State that provides
25 coverage for maternity services shall provide coverage for abortion services for an
26 enrollee in accordance with this section.

27 **2. Limits; deductible; copayment; coinsurance.** A health plan that provides
28 coverage for the services required by this section may contain provisions for maximum
29 benefits and coinsurance and reasonable limitations, deductibles and exclusions to the
30 extent that these provisions are not inconsistent with the requirements of this section.

31 **3. Application.** Except for a religious employer granted an exclusion as provided in
32 subsection 4, the requirements of this section apply to all policies, contracts and
33 certificates executed, delivered, issued for delivery, continued or renewed in this State.

1 For purposes of this section, all contracts are deemed to be renewed no later than the next
2 yearly anniversary of the contract date.

3 **4. Exclusion for religious employer.** A religious employer may request and a
4 carrier shall grant an exclusion under the policy or contract for the coverage required by
5 this section if the required coverage conflicts with the religious employer's bona fide
6 religious beliefs and practices. A religious employer that obtains an exclusion under this
7 subsection shall provide prospective enrollees and those individuals insured under its
8 policy written notice of the exclusion. This section may not be construed as authorizing a
9 carrier to exclude coverage for abortion services that are necessary to preserve the life or
10 health of a covered enrollee. For the purposes of this section, "religious employer" means
11 an employer that is a church, a convention or association of churches or an elementary or
12 secondary school that is controlled, operated or principally supported by a church or by a
13 convention or association of churches as defined in 26 United States Code, Section
14 3121(w)(3)(A) and that qualifies as a tax-exempt organization under 26 United States
15 Code, Section 501(c)(3).

16 **5. Protection of federal funds.** If the superintendent determines enforcement of this
17 section may adversely affect the allocation of federal funds to the State, the
18 superintendent may grant an exemption from the requirements of this section, but only to
19 the minimum extent necessary to ensure the continued receipt of federal funds.

20 **Sec. 6. Application.** That section of this Act that enacts the Maine Revised
21 Statutes, Title 24-A, section 4320-L applies to all policies, contracts and certificates
22 executed, delivered, issued for delivery, continued or renewed in this State on or after
23 January 1, 2020. For purposes of this Act, all contracts are deemed to be renewed no
24 later than the next yearly anniversary of the contract date.

25 SUMMARY

26 This bill requires the Department of Health and Human Services to provide coverage
27 to a MaineCare member for abortion services. The bill provides that abortion services
28 that are not approved Medicaid services must be funded by the State. The bill also directs
29 the Department of Health and Human Services to adopt rules no later than March 1, 2020.

30 The bill also requires that health insurance carriers that provide coverage for
31 maternity services also provide coverage for abortion services. The bill applies this
32 requirement to all health insurance policies and contracts issued or renewed on or after
33 January 1, 2020, except for those religious employers granted an exclusion of coverage.
34 The bill authorizes the Superintendent of Insurance to grant an exemption from the
35 requirements if enforcement of the requirements would adversely affect the allocation of
36 federal funds to the State.