

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST SPECIAL SESSION-2023

Legislative Document

No. 1665

S.P. 670

In Senate, April 13, 2023

An Act to Improve Breast Health Care by Providing Coverage for Genetic Counseling and Testing

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

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator ROTUNDO of Androscoggin.
Cosponsored by Representative CRAVEN of Lewiston and
Senator: INGWERSEN of York, Representatives: STOVER of Boothbay, WHITE of
Waterville.

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

2 **Sec. 1. 24 MRSA §2317-B, sub-§22**, as amended by PL 2019, c. 605, §3, is further
3 amended to read:

4 **22. Title 24-A, section 4320-M.** Coverage for abortion services, Title 24-A, section
5 4320-M; ~~and~~

6 **Sec. 2. 24 MRSA §2317-B, sub-§23**, as enacted by PL 2019, c. 605, §4, is amended
7 to read:

8 **23. Title 24-A, sections 2766-A and 2847-W.** The prohibition on a dental benefit
9 waiting period for persons under 19 years of age, Title 24-A, sections 2766-A and 2847-W;
10 and

11 **Sec. 3. 24 MRSA §2317-B, sub-§24** is enacted to read:

12 **24. Title 24-A, sections 2745-H and 2837-I.** Coverage for BRCA-related genetic
13 counseling and BRCA-related genetic testing, Title 24-A, sections 2745-H and 2837-I.

14 **Sec. 4. 24-A MRSA §2745-H** is enacted to read:

15 **§2745-H. Coverage for BRCA-related genetic counseling and testing**

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

18 A. "BRCA-related genetic counseling" means the provision of services to individuals,
19 couples, families and organizations by one or more appropriately trained individuals to
20 address the physical and psychological issues associated with the occurrence or risk of
21 occurrence of BRCA-related cancers in an individual or family.

22 B. "BRCA-related genetic testing" means all genetic laboratory testing of the BRCA1
23 and BRCA2 genes for individuals assessed to be at an increased risk for developing
24 BRCA-related cancers, recommended by a health care provider in accordance with the
25 most recently published BRCA-related cancer screening guidelines of a national cancer
26 society.

27 **2. Required coverage.** All individual health policies must provide coverage for
28 BRCA-related genetic counseling and BRCA-related genetic testing for individuals who
29 are at increased risk for developing BRCA-related cancers according to the most recently
30 published BRCA-related genetic counseling and BRCA-related genetic testing guidelines
31 of a national cancer society.

32 **3. Prohibition of cost-sharing.** An insurer may not impose a deductible, copayment,
33 coinsurance or other cost-sharing requirement for the costs of BRCA-related genetic testing
34 or BRCA-related genetic counseling.

35 **Sec. 5. 24-A MRSA §2837-I** is enacted to read:

36 **§2837-I. Coverage for BRCA-related genetic counseling and testing**

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

39 A. "BRCA-related genetic counseling" means the provision of services to individuals,
40 couples, families and organizations by one or more appropriately trained individuals to

1 address the physical and psychological issues associated with the occurrence or risk of
2 occurrence of BRCA-related cancers in an individual or family.

3 B. "BRCA-related genetic testing" means all genetic laboratory testing of the BRCA1
4 and BRCA2 genes for individuals assessed to be at an increased risk for developing
5 BRCA-related cancers, recommended by a health care provider in accordance with the
6 most recently published BRCA-related cancer screening guidelines of a national cancer
7 society.

8 **2. Required coverage.** All group health policies must provide coverage for BRCA-
9 related genetic counseling and BRCA-related genetic testing for individuals who are at
10 increased risk for developing BRCA-related cancers according to the most recently
11 published BRCA-related genetic counseling and BRCA-related genetic testing guidelines
12 of a national cancer society.

13 **3. Prohibition of cost-sharing.** An insurer may not impose a deductible, copayment,
14 coinsurance or other cost-sharing requirement for the costs of BRCA-related genetic testing
15 or BRCA-related genetic counseling.

16 **Sec. 6. 24-A MRSA §4237-B** is enacted to read:

17 **§4237-B. Coverage for BRCA-related genetic counseling and testing**

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

20 A. "BRCA-related genetic counseling" means the provision of services to individuals,
21 couples, families and organizations by one or more appropriately trained individuals to
22 address the physical and psychological issues associated with the occurrence or risk of
23 occurrence of BRCA-related cancers in an individual or family.

24 B. "BRCA-related genetic testing" means all genetic laboratory testing of the BRCA1
25 and BRCA2 genes for individuals assessed to be at an increased risk for developing
26 BRCA-related cancers, recommended by a health care provider in accordance with the
27 most recently published BRCA-related cancer screening guidelines of a national cancer
28 society.

29 **2. Required coverage.** All individual and group health maintenance organization
30 policies and contracts must provide coverage for BRCA-related genetic counseling and
31 BRCA-related genetic testing for individuals who are at increased risk for developing
32 BRCA-related cancers according to the most recently published BRCA-related genetic
33 counseling and BRCA-related genetic testing guidelines of a national cancer society.

34 **3. Prohibition of cost-sharing.** A health maintenance organization may not impose a
35 deductible, copayment, coinsurance or other cost-sharing requirement for the costs of
36 BRCA-related genetic testing or BRCA-related genetic counseling.

37 **Sec. 7. Application.** This Act applies to all policies, contracts and certificates
38 executed, delivered, issued for delivery, continued or renewed in this State on or after
39 January 1, 2024. For purposes of this Act, all contracts are deemed to be renewed no later
40 than the next yearly anniversary of the contract date.

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SUMMARY

This bill requires that individual and group health insurance policies provide coverage for BRCA-related genetic counseling and BRCA-related genetic testing for individuals who are at increased risk for developing BRCA-related cancers. The requirements apply to insurance policies beginning on January 1, 2024.