

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST SPECIAL SESSION-2023

Legislative Document

No. 1857

H.P. 1187

House of Representatives, May 2, 2023

**An Act to Create the Public Safety Health and Wellness
Reimbursement Fund to Benefit Public Safety Workers and
Volunteers**

Reference to the Committee on Taxation suggested and ordered printed.

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

ROBERT B. HUNT
Clerk

Presented by Representative COPELAND of Saco.
Cosponsored by Senator BAILEY of York and
Representatives: BRIDGEO of Augusta, GRAMLICH of Old Orchard Beach, MALON of
Biddeford, MILLIKEN of Blue Hill, RECKITT of South Portland, SALISBURY of
Westbrook, STOVER of Boothbay, Senator: CURRY of Waldo.

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

2 **Sec. 1. 22 MRSA c. 279** is enacted to read:

3 **CHAPTER 279**

4 **PUBLIC SAFETY HEALTH AND WELLNESS REIMBURSEMENT FUND**

5 **§1700-H. Public Safety Health and Wellness Reimbursement Fund**

6 **1. Definitions.** As used in this chapter, unless the context otherwise indicates, the
7 following terms have the following meanings.

8 A. "Culturally competent provider" means a licensed provider with specialized first
9 responder certification through a designated state or national body or specialized
10 experience with the complex needs of each discipline of public safety employment,
11 including the cumulative impact of exposure to traumatic events, impacts of cumulative
12 trauma exposure on public safety professionals' physical and mental well-being or
13 career-specific knowledge and sensitivity, and continuing specialized knowledge of
14 public safety psychology.

15 B. "Fire department" means a municipal fire department or volunteer fire association
16 as defined by Title 30-A, section 3151.

17 C. "Fund" means the Public Safety Health and Wellness Reimbursement Fund
18 established in subsection 2.

19 D. "Government entity" means the State or a municipality, plantation or county.

20 E. "Public safety agency" means a government entity that provides or has the authority
21 to provide fire, emergency medical, emergency communications, correctional or police
22 services.

23 F. "Public safety employee" means an employee of a public safety agency.

24 G. "Wellness visits" means confidential visits that provide a public safety employee
25 an opportunity for a positive interaction with a qualified mental health professional that
26 does not evaluate the employee, but offers opportunities for improved mental health
27 through wellness strategies and stress management, including referrals for ongoing
28 confidential counseling.

29 **2. Reimbursement fund established.** The Public Safety Health and Wellness
30 Reimbursement Fund is established to reimburse the costs of a culturally competent
31 provider providing specialized counseling and health screenings to address the physical
32 and mental health effects experienced by public safety employees. The fund must be used
33 to reimburse culturally competent providers and providers of specialized cardiac and
34 metabolic screening under subsection 3 for all public safety employees. The department
35 shall reimburse a government entity, fire department or public safety agency for the costs
36 associated with providing all public safety employees services under subsection 3 or 4,
37 including through telehealth services. A public safety agency may not reduce a behavioral,
38 mental or physical health care benefit package as a result of receiving funds under this
39 chapter. Except as otherwise required by law, all services under this section are
40 confidential and, if wellness visits are mandated as a provision of employment by a public

1 safety agency, only confirmation of attendance may be shared with the agency. The
2 department may use up to 5% of the funds allocated to the fund to administer the fund.

3 **3. Specialized cardiac and metabolic screening.** In order to receive money from the
4 fund, a program for specialized cardiac and metabolic screening must provide biennial
5 screenings of public safety employees. The results of the screening and any advice for
6 continued treatment of identified health issues must be provided to the employee and the
7 employee's physician. The screening program must provide a medical consultation and an
8 individualized plan including nutrition, fitness and wellness recommendations to the
9 employee when appropriate. Testing must include screening for:

10 A. An advanced lipid panel, including a cardiac inflammatory biomarker analysis;

11 B. Liver and kidney function;

12 C. Thyroid, prostate and other cancers or diseases that are prevalent among first
13 responders at a higher rate than the civilian population, such as diabetes; and

14 D. Cardiologist-guided, public safety-specific, cardio-metabolic stress testing.

15 **4. Mental health wellness and resiliency.** In order to receive money from the fund, a
16 program for mental health wellness and resiliency must provide confidential annual
17 wellness visits by culturally competent providers for all public safety employees and may
18 coordinate training in areas of mental resiliency and peer support for public safety
19 employees. The program:

20 A. May include a referral for additional counseling services for the participating
21 employee including the employee's immediate family; and

22 B. May include a referral to inpatient services or to a specialist.

23 Unless otherwise provided by law, services under this subsection may not be used as a basis
24 for employment termination.

25 **5. Choice of provider.** The department shall adopt rules as necessary to define
26 contractual terms, conditions for reimbursement, quality of performance standards and
27 other provisions as necessary for the administration of this chapter. The rules must be
28 adopted in consultation with a statewide association representing the interests of law
29 enforcement officers, a statewide association representing the interests of firefighters from
30 volunteer and career fire service agencies, a statewide association representing sheriffs, the
31 Commissioner of Corrections or the commissioner's designee, the Commissioner of Public
32 Safety or the commissioner's designee and the Director of Maine Emergency Medical
33 Services within the Department of Public Safety or the director's designee. A public safety
34 agency may choose the agency's own provider for a program under this section, as long as
35 the provider meets the requirements in this section. Notwithstanding Title 5, chapter 375,
36 the rules must be published and are subject to a 30-day public review period prior to taking
37 final effect. Rules adopted pursuant to this subsection are routine technical rules as defined
38 in Title 5, chapter 375, subchapter 2-A. The department shall administer any additional
39 funds that may be available from private, local, state or federal sources for the provision of
40 reimbursements under this chapter.

41 **Sec. 2. 36 MRSA §1818,** as amended by PL 2021, c. 645, §5 and c. 669, §5, is
42 repealed and the following enacted in its place:

43 **§1818. Tax on adult use cannabis and adult use cannabis products**

