

# STATE OF MAINE $129^{\text{TH}}$ Legislature First Regular Session



Summaries of bills, adopted amendments and laws enacted or finally passed

## JOINT STANDING COMMITTEE ON HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES

August 2019

MEMBERS:

SEN. HEATHER B. SANBORN, CHAIR SEN. GEOFFREY M. GRATWICK SEN. ROBERT A. FOLEY

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\*Committee member for a portion of the session

## **STATE OF MAINE**

 $129^{\text{TH}} LEGISLATURE$ FIRST REGULAR SESSION



### LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contains summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 129<sup>th</sup> Maine Legislature.

The *Digest* is arranged alphabetically by committee and within each committee by Legislative Document (LD) number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each LD title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. An appendix provides a summary of relevant session statistics.

Final action on each LD is noted to the right of the LD title. The following describes the various final actions.

CARRIED OVER	arried over to a subsequent session of the Legislature
CON RES XXX	
CONF CMTE UNABLE TO AGREE	$\pi$ of constitutional resolution passed by both houses
DIED BETWEEN HOUSES	
DIED IN CONCURRENCE defeated in	
DIED ON ADJOURNMENT ac	tion incomplete when session ended; legislation died
EMERGENCYenacted law takes	effect sooner than 90 days after session adjournment
FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE.	emergency failed to receive required 2/3 vote
FAILED, ENACTMENT or FINAL PASSAGE	failed to receive final majority vote
FAILED, MANDATE ENACTMENTlegislat	ion proposing local mandate failed required 2/3 vote
HELD BY GOVERNOR Governor has not signed; fin	al disposition to be determined at subsequent session
LEAVE TO WITHDRAW	sponsor's request to withdraw legislation granted
NOT PROPERLY BEFORE THE BODYruled	out of order by the presiding officer; legislation died
INDEF PP	indefinitely postponed; legislation died
ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X.	ought-not-to-pass report accepted; legislation died
P&S XXX	
PUBLIC XXX	
RESOLVE XXX	
VETO SUSTAINED	
	Legisidiare juilea io override dovernor s velo

The effective date for non-emergency legislation enacted in the First Regular Session of the 129<sup>th</sup> Legislature is Thursday, September 19, 2019. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

#### Joint Standing Committee on Health Coverage, Insurance and Financial Services

This bill was reported out of committee and then carried over to any special or regular session, or both, of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

#### LD 1666 An Act To Require Certain Health Care Providers To Provide Patients ONTP Detailed Information on the Risks Associated with the Use of Opioid Medications and Schedule II Drugs

Sponsor(s)	Committee Report	Amendments Adopted
PICKETT R FOLEY R	ONTP	

This bill requires a health care provider who is a prescriber of any opioid medication or a medication that is a schedule II drug, before issuing an initial prescription and before issuing a third prescription of an opioid medication or a medication that is a schedule II drug, to inform a patient of the risks of using the medication, the reason the medication is necessary and alternative treatments that may be available. It also requires the health care provider to include a note in the patient's medical record that the health care provider discussed the information with the patient.

#### LD 1673 An Act To Prohibit Prescription Drug Advertising

#### **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
CHIPMAN B TEPLER D		

This bill amends current law, which allows the advertising of prescription drugs only if the advertisement is not misleading, to ban completely, beginning January 1, 2020, the advertising of prescription drugs, either by broadcast by a television or radio station in this State, over the Internet from a location in this State or in a magazine or newspaper printed, distributed or sold in this State. A violation is a violation of the Maine Unfair Trade Practices Act.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 1694Resolve, To Determine Compliance with Federal and State MentalRESOLVE 72Health Parity LawsResolve, To Determine Compliance with Federal and State MentalResolve, To Determine Compliance with Federal and State Mental

Sponsor(s)	Committee Report	Amendments Adopted
GRATWICK G SCHNECK J	OTP-AM	S-226

This bill requires insurers, health maintenance organizations and nonprofit hospital or medical service organizations to submit mental health and substance use disorder parity compliance reports to the Superintendent of Insurance. It specifies how the superintendent of Insurance may enforce parity requirements and provides parity reporting requirements for the superintendent. The bill also prohibits certain types of medical management protocols from being used in conjunction with prescription medications used to treat substance use disorder.

#### Committee Amendment "A" (S-226)

This amendment replaces the bill with a resolve that requires the Superintendent of Insurance to determine the

#### Joint Standing Committee on Health Coverage, Insurance and Financial Services

compliance of health insurance carriers doing business in this State with federal and state mental health parity laws. The Superintendent of Insurance is required to either authorize a market conduct examination or use a survey tool to assess compliance and to report back to the Joint Standing Committee on Health Coverage, Insurance and Financial Services no later than January 30, 2020. The committee is authorized to report out legislation to the Second Regular Session of the 129th Legislature based on the results.

#### **Enacted Law Summary**

Resolve 2019, chapter 72 requires the Superintendent of Insurance to determine the compliance of health insurance carriers doing business in this State with federal and state mental health parity laws. The Superintendent of Insurance is required to either authorize a market conduct examination or use a survey tool to assess compliance and to report back to the Joint Standing Committee on Health Coverage, Insurance and Financial Services no later than January 30, 2020. The committee is authorized to report out legislation to the Second Regular Session of the 129th Legislature based on the results.

#### LD 1704 An Act To Establish the Securities Restitution Assistance Fund for Victims of Securities Violations

**CARRIED OVER** 

Sponsor(s)	Committee Report	Amendments Adopted
HARNETT T	OTP-AM	H-569
CARPENTER M		

This bill establishes in the Department of Professional and Financial Regulation, Office of Securities the Securities Restitution Assistance Fund. The fund will be used to provide financial assistance to victims of securities violations that have been awarded restitution in a final order issued by the Securities Administrator or were awarded restitution in a final order issued by the Securities Administrator or were awarded restitution of restitution ordered before the application for restitution assistance is due. The fund will be funded initially by a one-time transfer of \$350,000 from the dedicated revenue of the Office of Securities. Thereafter, the fund will be funded by the civil fines ordered or agreed to by the administrator, a portion of broker-dealer agent and investment adviser representative renewal fees and any grants, donations or other money received by the administrator for victim restitution assistance.

#### Committee Amendment "A" (H-569)

This amendment replaces the appropriations and allocations section in the bill.

This bill was reported out of committee and then carried over to any special or regular session, or both, on the Special Appropriations Table by joint order, H.P. 1322.

## LD 1712An Act To Amend and Clarify the Maine Uniform Securities Act and ToPUBLIC 252Make a Technical Correction in the Law Concerning Financial PlannersPUBLIC 252

Sponsor(s)	Committee Report	Amendments Adopted
FOLEY R	OTP	

Part A corrects a late fee provision that is currently applied to certain securities filings that are made between 16 and 30 days after the first sale of the securities in the State. This Part applies the late fee to any applicable filing made 16 or more days after the first sale of the securities in the State.

Part B makes a technical correction by repealing a statute enacted in 1985 governing financial planners.