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.

Presented by Representative McCREIGHT of Harpswell.
Be it enacted by the People of the State of Maine as follows:

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

§3174-BBB. Coverage for abortion services

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

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

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

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

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

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

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

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

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

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

§4320-L. Coverage for abortion services

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

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

3. **Application.** Except for a religious employer granted an exclusion as provided in subsection 4, the requirements of this section apply to all policies, contracts and certificates executed, delivered, issued for delivery, continued or renewed in this State.
For purposes of this section, all contracts are deemed to be renewed no later than the next yearly anniversary of the contract date.

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

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

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

SUMMARY

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

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