

STATE OF MAINE

IN THE YEAR OF OUR LORD  
TWO THOUSAND NINETEEN

H.P. 594 - L.D. 820

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

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

**Sec. 1. 22 MRSA §3196** is enacted to read:

**§3196. Coverage for non-Medicaid services to MaineCare members**

**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 within existing resources.

**3. Rulemaking.** 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-M.** Coverage for abortion services, Title 24-A, section 4320-M.

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

**§4320-M. 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. Rules.** The Department of Health and Human Services shall adopt the rules required by the Maine Revised Statutes, Title 22, section 3196 by March 1, 2020.

**Sec. 7. Emergency rules.** The Department of Health and Human Services may adopt emergency rules under the Maine Revised Statutes, Title 5, section 8054 as necessary to implement Title 22, section 3196 without the necessity of demonstrating that immediate adoption is necessary to avoid a threat to public health, safety or general welfare.

**Sec. 8. Exemption from review.** Notwithstanding the Maine Revised Statutes, Title 24-A, section 2752, that section of this Act that enacts Title 24-A, section 4320-M is

enacted without review and evaluation by the Department of Professional and Financial Regulation, Bureau of Insurance.

**Sec. 9. Application.** That section of this Act that enacts the Maine Revised Statutes, Title 24-A, section 4320-M 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.

**Sec. 10. Appropriations and allocations.** The following appropriations and allocations are made.

**HEALTH AND HUMAN SERVICES, DEPARTMENT OF**

**Medical Care - Payments to Providers 0147**

Initiative: Appropriates funds to provide coverage to MaineCare members for legal abortion services.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$125,281	\$375,843
<b>GENERAL FUND TOTAL</b>	<u>\$125,281</u>	<u>\$375,843</u>

**Office of MaineCare Services 0129**

Initiative: Appropriates one-time funds for oversight, development and testing of technology changes.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$102,265	\$0
<b>GENERAL FUND TOTAL</b>	<u>\$102,265</u>	<u>\$0</u>

**HEALTH AND HUMAN SERVICES,  
DEPARTMENT OF  
DEPARTMENT TOTALS**

	<b>2019-20</b>	<b>2020-21</b>
<b>GENERAL FUND</b>	<b>\$227,546</b>	<b>\$375,843</b>
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<u><b>\$227,546</b></u>	<u><b>\$375,843</b></u>