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Legislative Document

No. 1237

H.P. 860

House of Representatives, March 30, 2017

An Act To Require Insurance Coverage for Contraceptive Supplies

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

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

ROBERT B. HUNT
Clerk

Presented by Representative McCREIGHT of Harpswell.
Cosponsored by Senator KATZ of Kennebec and
Representatives: DENNO of Cumberland, DEVIN of Newcastle, MONAGHAN of Cape
Elizabeth, PERRY of Calais, TEPLER of Topsham, TERRY of Gorham, Senators: CHIPMAN
of Cumberland, VOLK of Cumberland.

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

2 **Sec. 1. 24-A MRSA §2756, sub-§3** is enacted to read:

3 **3. Coverage of contraceptive supplies.** Coverage required under this section must
4 include coverage for the dispensing of contraceptive supplies in accordance with the
5 following requirements. For purposes of this section, "contraceptive supplies" means all
6 contraceptive drugs and devices approved by the federal Food and Drug Administration
7 to prevent an unwanted pregnancy.

8 A. Coverage must be provided for a dispensing of contraceptive supplies intended to
9 last for a:

10 (1) Three-month period for the first dispensing of the contraceptive supply; and

11 (2) Twelve-month period for a subsequent dispensing of the same contraceptive
12 supply, regardless of whether the policyholder was covered under the policy or
13 contract at the time of the first dispensing.

14 B. A deductible, copayment, coinsurance or other cost-sharing requirement may not
15 be imposed on the coverage.

16 C. Except as provided in paragraph A and in the absence of medical necessity, an
17 insurer may not impose utilization review requirements or other limitations to control
18 the prescribing or dispensing of contraceptive supplies to an amount that is less than a
19 12-month supply.

20 D. In no event may a pharmacy, health care provider or other entity licensed or
21 authorized to dispense contraceptive supplies dispense a greater supply of a
22 contraceptive supply pursuant to this subsection if the prescription indicates "no
23 change to quantity" or words of similar meaning.

24 **Sec. 2. 24-A MRSA §2847-G, sub-§4** is enacted to read:

25 **4. Coverage of contraceptive supplies.** Coverage required under this section must
26 include coverage for the dispensing of contraceptive supplies in accordance with the
27 following requirements. For purposes of this section, "contraceptive supplies" means all
28 contraceptive drugs and devices approved by the federal Food and Drug Administration
29 to prevent an unwanted pregnancy.

30 A. Coverage must be provided for a dispensing of contraceptive supplies intended to
31 last for a:

32 (1) Three-month period for the first dispensing of the contraceptive supply; and

33 (2) Twelve-month period for a subsequent dispensing of the same contraceptive
34 supply, regardless of whether the policyholder was covered under the policy or
35 contract at the time of the first dispensing.

36 B. A deductible, copayment, coinsurance or other cost-sharing requirement may not
37 be imposed on the coverage.

1 C. Except as provided in paragraph A and in the absence of medical necessity, an
2 insurer may not impose utilization review requirements or other limitations to control
3 the prescribing or dispensing of contraceptive supplies to an amount that is less than a
4 12-month supply.

5 D. In no event may a pharmacy, health care provider or other entity licensed or
6 authorized to dispense contraceptive supplies dispense a greater supply of a
7 contraceptive supply pursuant to this subsection if the prescription indicates "no
8 change to quantity" or words of similar meaning.

9 **Sec. 3. 24-A MRSA §4247, sub-§4** is enacted to read:

10 **4. Coverage of contraceptive supplies.** Coverage required under this section must
11 include coverage for the dispensing of contraceptive supplies in accordance with the
12 following requirements. For purposes of this section, "contraceptive supplies" means all
13 contraceptive drugs and devices approved by the federal Food and Drug Administration
14 to prevent an unwanted pregnancy.

15 A. Coverage must be provided for a dispensing of contraceptive supplies intended to
16 last for a:

17 (1) Three-month period for the first dispensing of the contraceptive supply; and

18 (2) Twelve-month period for a subsequent dispensing of the same contraceptive
19 supply, regardless of whether the policyholder was covered under the policy or
20 contract at the time of the first dispensing.

21 B. A deductible, copayment, coinsurance or other cost-sharing requirement may not
22 be imposed on the coverage.

23 C. Except as provided in paragraph A and in the absence of medical necessity, a
24 health maintenance organization may not impose utilization review requirements or
25 other limitations to control the prescribing or dispensing of contraceptive supplies to
26 an amount that is less than a 12-month supply.

27 D. In no event may a pharmacy, health care provider or other entity licensed or
28 authorized to dispense contraceptive supplies dispense a greater supply of a
29 contraceptive supply pursuant to this subsection if the prescription indicates "no
30 change to quantity" or words of similar meaning.

31 **Sec. 4. Application.** The requirements of this Act apply to all policies, contracts
32 and certificates executed, delivered, issued for delivery, continued or renewed in this
33 State on or after January 1, 2018. For purposes of this Act, all contracts are deemed to be
34 renewed no later than the next yearly anniversary of the contract date.

35 **SUMMARY**

36 This bill expands the requirements in current law relating to coverage of
37 contraceptives to include coverage for contraceptive supplies approved by the federal
38 Food and Drug Administration for a 3-month supply for the first dispensing and a 12-
39 month supply for a subsequent dispensing of the same contraceptive supply. Coverage

1 must be provided without imposing any cost-sharing. The requirements apply to all
2 individual and group policies and contracts issued or renewed on or after January 1, 2018.