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Legislative Document

No. 1531

H.P. 1135

House of Representatives, April 19, 2021

**An Act To Provide Affordable Behavioral Health Services to
Individuals under 26 Years of Age**

(EMERGENCY)

Received by the Clerk of the House on April 15, 2021. Referred to the Committee on Health Coverage, Insurance and Financial Services pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

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

ROBERT B. HUNT
Clerk

Presented by Representative ARFORD of Brunswick.
Cosponsored by Representatives: BROOKS of Lewiston, McCREIGHT of Harpswell,
MILLETT of Cape Elizabeth, MORALES of South Portland, PERRY of Calais, QUINT of
Hodgdon, SACHS of Freeport, TALBOT ROSS of Portland.

1 **Emergency preamble. Whereas,** acts and resolves of the Legislature do not
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas,** the spread of the novel coronavirus disease referred to as COVID-19 has
4 created a public health emergency; and

5 **Whereas,** in response to COVID-19, the World Health Organization has declared a
6 pandemic, the President of the United States has declared a national emergency and the
7 Governor of Maine has declared a civil state of emergency; and

8 **Whereas,** the COVID-19 pandemic has exacerbated the need for behavioral health
9 treatment, especially among young people in the State; and

10 **Whereas,** in response to COVID-19, it is important for young people in the State to
11 have access to behavioral health treatment without financial barriers; and

12 **Whereas,** the purpose of this legislation is to ensure that young people in the State
13 have access to expanded behavioral health treatment services until December 31, 2026; and

14 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
15 the meaning of the Constitution of Maine and require the following legislation as
16 immediately necessary for the preservation of the public peace, health and safety; now,
17 therefore,

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

19 **Sec. 1. 24-A MRSA §4320-A, sub-§3,** as enacted by PL 2019, c. 653, Pt. C, §1, is
20 amended to read:

21 **3. Primary health services; behavioral health services in 2021 to 2026.** An
22 individual or small group health plan with an effective date on or after January 1, 2021
23 must provide coverage without cost sharing for the first primary care office visit and first
24 behavioral health office visit in each plan year and may not apply a deductible or
25 coinsurance to the 2nd or 3rd primary care and 2nd or 3rd behavioral health office visits in
26 a plan year. Notwithstanding any provision of this subsection to the contrary, for plan year
27 2021 and until the end of plan year 2026, an individual or small group health plan must
28 provide coverage without cost sharing for an enrollee under 26 years of age for up to 6
29 behavioral health office visits in each plan year and may not apply a copayment, a
30 deductible or coinsurance to those behavioral health office visits in a plan year. Any copays
31 for the 2nd or 3rd primary care and 2nd or 3rd behavioral health office visits in a plan year
32 count toward the deductible. This subsection does not apply to a plan offered for use with
33 a health savings account unless the federal Internal Revenue Service determines that the
34 benefits required by this section are permissible benefits in a high deductible health plan as
35 defined in the federal Internal Revenue Code of 1986, Section 223(c)(2). The
36 superintendent shall conduct a study analyzing the effects of this subsection on premiums
37 based on experience in plan years 2020 and 2021. The superintendent may adopt rules as
38 necessary to address the coordination of the requirements of this subsection for coverage
39 without cost sharing for the first primary care visit and the requirements of this section with
40 respect to coverage of an annual well visit. Rules adopted pursuant to this subsection are
41 routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

