

Date:

(Filing No. H-)

HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES

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STATE OF MAINE HOUSE OF REPRESENTATIVES 132ND LEGISLATURE FIRST SPECIAL SESSION

COMMITTEE AMENDMENT “ ” to H.P. 96, L.D. 163, “An Act to Require Health Insurance Coverage for Federally Approved Nonprescription Oral Hormonal Contraceptives and Nonprescription Emergency Contraceptives”

Amend the bill in section 2 in subsection 4 in paragraph E in the 6th line (page 1, line 43 in L.D.) by inserting after the following: “pharmacy” the following: ‘counter’

Amend the bill in section 2 in subsection 4 in paragraph E in the last 3 lines (page 2, lines 2 to 4 in L.D.) by striking out the following: “The pharmacy may use a standing order to facilitate billing for a nonprescription oral hormonal contraceptive or nonprescription emergency contraceptive in accordance with this paragraph.”

Amend the bill in section 2 in subsection 4 by inserting after paragraph E the following:

‘F. The superintendent shall monitor compliance with the requirements for coverage of nonprescription oral hormonal contraceptives and nonprescription emergency contraceptives and any rules adopted in accordance with subsection 5, including any complaints or barriers to implementation.’

Amend the bill in section 5 in subsection 3 in paragraph F in the 5th line (page 3, line 10 in L.D.) by inserting after the following: “purchase” the following: ‘at the pharmacy counter’

Amend the bill in section 5 in subsection 3 in paragraph F in the last 4 lines (page 3, lines 11 to 14 in L.D.) by striking out the following: “The pharmacy may use a standing order to facilitate billing for a nonprescription oral hormonal contraceptive or nonprescription emergency contraceptive in accordance with this paragraph.”

Amend the bill in section 5 in subsection 3 by inserting after paragraph F the following:

‘G. The superintendent shall monitor compliance with the requirements for coverage of nonprescription oral hormonal contraceptives and nonprescription emergency contraceptives and any rules adopted in accordance with subsection 4, including any complaints or barriers to implementation.’

Amend the bill in section 8 in subsection 4 in paragraph F in the 5th line (page 4, line 21 in L.D.) by inserting after the following: "pharmacy" the following: 'counter'

Amend the bill in section 8 in subsection 4 in paragraph F in the last 3 lines (page 4, lines 23 to 25 in L.D.) by striking out the following: "The pharmacy may use a standing order to facilitate billing for a nonprescription oral hormonal contraceptive or nonprescription emergency contraceptive in accordance with this paragraph."

Amend the bill in section 8 in subsection 4 by inserting after paragraph F the following:

'G. The superintendent shall monitor compliance with the requirements for coverage of nonprescription oral hormonal contraceptives and nonprescription emergency contraceptives and any rules adopted in accordance with subsection 5, including any complaints or barriers to implementation.'

Amend the bill in section 11 in subsection 4 in paragraph F in the 6th line (page 5, line 31 in L.D.) by inserting after the following: "pharmacy" the following: 'counter'

Amend the bill in section 11 in subsection 4 in paragraph F in the last 4 lines (page 5, lines 32 to 35 in L.D.) by striking out the following: "The pharmacy may use a standing order to facilitate billing for a nonprescription oral hormonal contraceptive or nonprescription emergency contraceptive in accordance with this paragraph."

Amend the bill in section 11 in subsection 4 by inserting after paragraph F the following:

'G. The superintendent shall monitor compliance with the requirements for coverage of nonprescription oral hormonal contraceptives and nonprescription emergency contraceptives and any rules adopted in accordance with subsection 5, including any complaints or barriers to implementation.'

Amend the bill by striking out all of section 15 and inserting the following:

'Sec. 15. Appropriations and allocations. The following appropriations and allocations are made.

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Departments and Agencies - Statewide 0016

Initiative: Provides funding for the expansion of the requirements in current law for coverage of contraceptives to include nonprescription oral hormonal contraceptives and nonprescription emergency contraceptives approved by the federal Food and Drug Administration. The expanded requirements apply to health plans issued or renewed on or after January 1, 2026.

GENERAL FUND	2025-26	2026-27
All Other	\$0	\$62,016
GENERAL FUND TOTAL	\$0	\$62,016
HIGHWAY FUND	2025-26	2026-27
All Other	\$0	\$21,571
HIGHWAY FUND TOTAL	\$0	\$21,571

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment, which is the minority report of the committee, strikes language in the bill authorizing a pharmacist to use a standing order to facilitate billing for a nonprescription oral hormonal contraceptive or nonprescription emergency contraceptive and clarifies that enrollees must purchase contraceptives at the pharmacy counter in order to be reimbursed by a health insurance carrier for an out-of-pocket payment. The amendment also removes from the bill the requirement that the Department of Professional and Financial Regulation, Bureau of Insurance submit a report to the Legislature but retains language requiring the bureau to monitor compliance with the bill's requirements on an ongoing basis.

FISCAL NOTE REQUIRED

(See attached)