

§2847-G. Coverage for contraceptives

1. Coverage requirements. All group insurance policies and contracts, except accidental injury, specified disease, hospital indemnity, Medicare supplement, disability income, long-term care and other limited benefit health insurance policies and contracts that provide coverage for prescription drugs or outpatient medical services must provide coverage for all prescription contraceptives, nonprescription oral hormonal contraceptives and nonprescription emergency contraceptives approved by the federal Food and Drug Administration or for outpatient contraceptive services in accordance with the requirements of this section. For purposes of this section, "outpatient contraceptive services" means consultations, examinations, procedures and medical services provided on an outpatient basis and related to the use of contraceptive methods to prevent an unintended pregnancy. This section may not be construed to apply to prescription drugs or devices that are designed to terminate a pregnancy. [PL 2025, c. 445, §7 (AMD); PL 2025, c. 445, §14 (AFF).]

2. Exclusion for religious employer. A religious employer may request and an insurer 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 insureds and those individuals insured under its policy written notice of the exclusion. This section may not be construed as authorizing an insurer to exclude coverage for prescription drugs prescribed for reasons other than contraceptive purposes or for prescription contraception that is necessary to preserve the life or health of a covered person. For the purposes of this section, "religious employer" means an employer that is a church, 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). [PL 1999, c. 341, §3 (NEW); PL 1999, c. 341, §5 (AFF).]

3. Application. 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. [PL 2003, c. 517, Pt. B, §18 (NEW).]

4. Coverage of contraceptive supplies. Coverage required under this section must include coverage for contraceptive supplies in accordance with the following requirements. For purposes of this section, "contraceptive supplies" means all contraceptive drugs, devices and products approved by the federal Food and Drug Administration to prevent an unwanted pregnancy, including nonprescription oral hormonal contraceptives and nonprescription emergency contraceptives.

A. Coverage must be provided without any deductible, coinsurance, copayment or other cost-sharing requirement. [PL 2021, c. 609, §3 (AMD); PL 2021, c. 609, §5 (AFF).]

B. If the federal Food and Drug Administration has approved one or more therapeutic equivalents of a contraceptive supply, an insurer is not required to cover all those therapeutically equivalent versions in accordance with this subsection, as long as at least one is covered without any deductible, coinsurance, copayment or other cost-sharing requirement in accordance with this subsection. [PL 2021, c. 609, §3 (AMD); PL 2021, c. 609, §5 (AFF).]

C. [PL 2021, c. 609, §3 (RP); PL 2021, c. 609, §5 (AFF).]

D. Coverage must be provided for the furnishing or dispensing of prescribed contraceptive supplies and nonprescription oral hormonal contraceptive supplies intended to last for a 12-month period, which may be furnished or dispensed all at once or over the course of the 12 months at the discretion of the health care provider for prescribed contraceptive supplies. [PL 2025, c. 445, §8 (AMD); PL 2025, c. 445, §14 (AFF).]

E. A prescription is not required to obtain a nonprescription oral hormonal contraceptive or nonprescription emergency contraceptive. [PL 2025, c. 445, §8 (NEW); PL 2025, c. 445, §14 (AFF).]

F. An insurer shall establish mechanisms to ensure that an enrollee who seeks coverage for a nonprescription oral hormonal contraceptive or nonprescription emergency contraceptive at a pharmacy has the option to obtain the nonprescription oral hormonal contraceptive or nonprescription emergency contraceptive at the point of sale without payment of any cost-sharing amount or to make the purchase at the pharmacy counter through an out-of-pocket payment at the point of sale and submit a claim for reimbursement to the insurer. [PL 2025, c. 445, §8 (NEW); PL 2025, c. 445, §14 (AFF).]

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. [PL 2025, c. 445, §8 (NEW); PL 2025, c. 445, §14 (AFF).]
[PL 2025, c. 445, §8 (AMD); PL 2025, c. 445, §14 (AFF).]

5. Rules. The superintendent may adopt rules as necessary to implement the requirements of this section, including rules related to mechanisms to ensure coverage for nonprescription oral hormonal contraceptives and nonprescription emergency contraceptives and rules regarding notice to enrollees about how to access coverage for nonprescription oral hormonal contraceptives and nonprescription emergency contraceptives. Rules adopted pursuant to this subsection are routine technical rules as described in Title 5, chapter 375, subchapter 2-A.
[PL 2025, c. 445, §9 (NEW); PL 2025, c. 445, §14 (AFF).]

REVISOR'S NOTE: §2847-G. Coverage for services of certified nurse practitioners; certified nurse midwives (As enacted by PL 1999, c. 396, §3 and affected by §7 is REALLOCATED TO TITLE 24-A, SECTION 2847-H)

REVISOR'S NOTE: §2847-G. Coverage for services provided by registered nurse first assistants (As enacted by PL 1999, c. 412, §3 is REALLOCATED TO TITLE 24-A, SECTION 2847-I)

SECTION HISTORY

RR 1999, c. 1, §§34,35 (RAL). PL 1999, c. 341, §3 (NEW). PL 1999, c. 341, §5 (AFF). PL 1999, c. 396, §3 (NEW). PL 1999, c. 396, §7 (AFF). PL 1999, c. 412, §3 (NEW). PL 2003, c. 517, §B18 (AMD). PL 2017, c. 190, §2 (AMD). PL 2021, c. 609, §3 (AMD). PL 2021, c. 609, §5 (AFF). PL 2025, c. 445, §§7-9 (AMD). PL 2025, c. 445, §14 (AFF).

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