

§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.

[PL 2019, c. 274, §5 (NEW).]

2. Limits; copayment. A health plan that provides coverage for the services required by this section may contain provisions for maximum benefits and reasonable limitations and exclusions to the extent that these provisions are not inconsistent with the requirements of this section.

[PL 2023, c. 347, §1 (AMD).]

2-A. Cost sharing prohibited. Notwithstanding subsection 2, a health plan with an effective date on or after January 1, 2024 may not impose any deductible, copayment, coinsurance or other cost-sharing requirement for the costs of abortion services. This subsection does not apply to a health plan offered for use with a health savings account unless the federal Internal Revenue Service determines that the requirements in this subsection are permissible in a high deductible health plan as defined in the federal Internal Revenue Code, Section 223(c)(2).

[PL 2023, c. 347, §2 (NEW).]

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.

[PL 2019, c. 274, §5 (NEW).]

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).

[PL 2019, c. 274, §5 (NEW).]

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.

[PL 2019, c. 274, §5 (NEW).]

REVISOR'S NOTE: §4320-M. Step therapy as enacted by PL 2019, c. 295, §1 is REALLOCATED TO TITLE 24-A, SECTION 4320-N

SECTION HISTORY

PL 2019, c. 274, §5 (NEW). PL 2023, c. 347, §§1, 2 (AMD).

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