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TO: The Honorable Pamela Beidle, Chair
Senate Finance Committee

FROM: Irnise F. Williams, Deputy Director, Health Education and Advocacy Unit

RE: Senate Bill 0940- Health Insurance and Family Planning Services – Consumer
Protections – Updates- **SUPPORT**

The Health Education and Advocacy Unit supports Senate Bill 940. In 2020, facing concerns that the consumer protections of the Affordable Care Act (ACA) were at risk, the General Assembly passed Chapter 620, Health Insurance – Consumer Protections, codifying many of the federal protections into state law, and in some cases requiring the Maryland Insurance Agency (MIA) to adopt regulations “to the extent necessary” to implement some of the more technical aspects of the requirements that are currently addressed in detailed federal rules. The MIA’s authority to issue the regulations at that time was tied to regulations that were in place as of December 31, 2016. Over the years, based on Annual Reports to the General Assembly, many of those dates have been updated to reflect new federal rules that provide greater protection for consumers. Many of the ACA’s provisions are once again at risk, and this bill updates the remaining dates to December 31, 2024, ensuring the federal regulations, in place at that time, are applicable in Maryland.

Despite what is happening at the federal level, current Maryland law codifies the ACA protections in place at the end of 2024, including the antidiscrimination provision, prohibiting carriers from refusing, withholding, or denying any individual coverage under a health benefit plan offered by the carrier or otherwise discriminating against any individual because of the individual's race, sex, creed, color, national origin, marital status, sexual orientation, age, gender identity, or disability. This bill makes clear these protections apply in the Maryland marketplace, even if rescinded at the federal level. This bill also provides the MIA with concurrent enforcement authority with the Commission on Civil Rights to enforce the antidiscrimination laws.

In addition to updating the ACA protections, this bill updates the dates in Maryland’s Title X funding protection law, in anticipation of federal action to curtail Title X funding. Current law requires the Governor to fund the Title X programs that were funded as of 2016 with state funds at the same level of total funds provided to the program in the immediately preceding year if Title

X funding is not accepted by the Department (because of strings attached to the funding). This bill changes 2016 dates in the statute to 2024 dates.

Title X is a [government-funded program](#) that provides reproductive health services to low-income Americans. The program offers services such as contraceptive counseling, pregnancy testing, STI testing and treatment. Services are voluntary, confidential, and available regardless of ability to pay. Title X clinics also provide other reproductive health and related preventive health services that are considered beneficial to reproductive health such as HPV vaccination, provision of HIV pre-exposure prophylaxis (PrEP), breast and cervical cancer screening, and screening for obesity, smoking, drug and alcohol use, mental health, and intimate partner violence. Under federal law, Title X funds may not be used for abortion care. The Title X family planning program is a critical part of Maryland's public health safety net, serving as a point-of-entry into care for tens of thousands. For many consumers, Title X clinics are their only ongoing source of healthcare and health education. Supporting Title X funding in Maryland is important because it helps Maryland residents access reproductive health care and family planning services, which can improve pregnancy outcomes and reduce unintended pregnancies.

The updated consumer protections and the shield of Title X resources for consumers are essential protections for Marylanders, and we ask that the General Assembly continue to protect Marylanders from losing access to vital resources by supporting Senate Bill 940.

We urge a favorable report.

cc: The Honorable Antonio Hayes