
By: **Delegates Morhaim, Barve, Boutin, and Hubbard**

Introduced and read first time: January 27, 2005

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Health Insurance - Mandated Benefits - Smoking Cessation Treatment**

3 FOR the purpose of requiring certain insurers, nonprofit health service plans, and
4 health maintenance organizations to provide coverage for certain drugs, nicotine
5 replacement therapy, and office visits to a physician or other health care
6 provider to assist an insured or enrollee to cease the use of tobacco products;
7 prohibiting certain insurers, nonprofit health service plans, and health
8 maintenance organizations from imposing certain copayments or coinsurance
9 requirements for certain drugs, nicotine replacement therapy, and office visits;
10 defining certain terms; providing for the application of this Act; and generally
11 relating to health insurance benefits for smoking cessation treatment.

12 BY adding to
13 Article - Health - General
14 Section 19-706(ddd)
15 Annotated Code of Maryland
16 (2000 Replacement Volume and 2004 Supplement)

17 BY adding to
18 Article - Insurance
19 Section 15-841
20 Annotated Code of Maryland
21 (2002 Replacement Volume and 2004 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
23 MARYLAND, That the Laws of Maryland read as follows:

24 **Article - Health - General**

25 19-706.

26 (DDD) THE PROVISIONS OF § 15-841 OF THE INSURANCE ARTICLE APPLY TO
27 HEALTH MAINTENANCE ORGANIZATIONS.

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Article - Insurance

2 15-841.

3 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
4 INDICATED.

5 (2) "AUTHORIZED PRESCRIBER" HAS THE MEANING STATED IN § 12-101
6 OF THE HEALTH OCCUPATIONS ARTICLE.

7 (3) (I) "NICOTINE REPLACEMENT THERAPY" MEANS A PRODUCT THAT:

8 1. IS USED TO DELIVER NICOTINE TO AN INDIVIDUAL
9 ATTEMPTING TO CEASE THE USE OF TOBACCO PRODUCTS; AND

10 2. IS OBTAINED UNDER A PRESCRIPTION WRITTEN BY AN
11 AUTHORIZED PRESCRIBER.

12 (II) "NICOTINE REPLACEMENT THERAPY" INCLUDES GUM,
13 LOZENGES, NASAL SPRAYS, INHALERS, AND TRANSDERMAL PATCHES.

14 (4) "TOBACCO PRODUCT" HAS THE MEANING STATED IN § 10-101 OF THE
15 CRIMINAL LAW ARTICLE.

16 (B) (1) THIS SUBSECTION APPLIES TO:

17 (I) INSURERS AND NONPROFIT HEALTH SERVICE PLANS THAT
18 PROVIDE COVERAGE FOR PRESCRIPTION DRUGS TO INDIVIDUALS OR GROUPS UNDER
19 HEALTH INSURANCE POLICIES OR CONTRACTS THAT ARE ISSUED OR DELIVERED IN
20 THE STATE; AND

21 (II) HEALTH MAINTENANCE ORGANIZATIONS THAT PROVIDE
22 COVERAGE FOR PRESCRIPTION DRUGS TO INDIVIDUALS OR GROUPS UNDER
23 CONTRACTS THAT ARE ISSUED OR DELIVERED IN THE STATE.

24 (2) AN ENTITY SUBJECT TO THIS SUBSECTION SHALL PROVIDE
25 COVERAGE FOR:

26 (I) ANY DRUG THAT:

27 1. IS APPROVED BY THE UNITED STATES FOOD AND DRUG
28 ADMINISTRATION AS AN AID FOR THE CESSATION OF THE USE OF TOBACCO
29 PRODUCTS; AND

30 2. IS OBTAINED UNDER A PRESCRIPTION WRITTEN BY AN
31 AUTHORIZED PRESCRIBER; AND

32 (II) TWO 90-DAY COURSES OF NICOTINE REPLACEMENT THERAPY
33 DURING EACH 12-MONTH PERIOD.

1 (3) AN ENTITY SUBJECT TO THIS SUBSECTION MAY NOT IMPOSE A
2 DIFFERENT COPAYMENT OR COINSURANCE REQUIREMENT FOR A DRUG OR
3 NICOTINE REPLACEMENT THERAPY PROVIDED UNDER PARAGRAPH (2) OF THIS
4 SUBSECTION THAN IS IMPOSED FOR ANY OTHER COMPARABLE PRESCRIPTION.

5 (C) (1) THIS SUBSECTION APPLIES TO:

6 (I) INSURERS AND NONPROFIT HEALTH SERVICE PLANS THAT
7 PROVIDE HOSPITAL, MEDICAL, OR SURGICAL BENEFITS TO INDIVIDUALS OR GROUPS
8 ON AN EXPENSE-INCURRED BASIS UNDER HEALTH INSURANCE POLICIES OR
9 CONTRACTS THAT ARE ISSUED OR DELIVERED IN THE STATE; AND

10 (II) HEALTH MAINTENANCE ORGANIZATIONS THAT PROVIDE
11 HOSPITAL, MEDICAL, OR SURGICAL BENEFITS TO INDIVIDUALS OR GROUPS UNDER
12 CONTRACTS THAT ARE ISSUED OR DELIVERED IN THE STATE.

13 (2) AN ENTITY SUBJECT TO THIS SUBSECTION SHALL PROVIDE
14 COVERAGE FOR:

15 (I) TWO OFFICE VISITS TO A PHYSICIAN OR OTHER HEALTH CARE
16 PROVIDER DURING EACH 12-MONTH PERIOD FOR THE EVALUATION AND
17 TREATMENT OF AN INSURED OR ENROLLEE TO ASSIST THE INSURED OR ENROLLEE
18 TO CEASE THE USE OF TOBACCO PRODUCTS; AND

19 (II) TWO OFFICE VISITS TO A PHYSICIAN OR OTHER HEALTH CARE
20 PROVIDER DURING EACH 12-MONTH PERIOD FOR THE EVALUATION AND
21 MANAGEMENT OF A COURSE OF NICOTINE REPLACEMENT THERAPY PROVIDED TO
22 AN INSURED OR ENROLLEE UNDER SUBSECTION (B)(2)(II) OF THIS SECTION.

23 (3) AN ENTITY SUBJECT TO THIS SUBSECTION MAY NOT IMPOSE A
24 DIFFERENT COPAYMENT OR COINSURANCE REQUIREMENT FOR AN OFFICE VISIT TO
25 A PHYSICIAN OR OTHER HEALTH CARE PROVIDER FOR A PURPOSE DESCRIBED IN
26 PARAGRAPH (2) OF THIS SUBSECTION THAN IS IMPOSED FOR ANY OTHER OFFICE
27 VISIT TO A PHYSICIAN OR OTHER HEALTH CARE PROVIDER.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to all
29 policies, contracts, and health benefit plans issued, delivered, or renewed in the State
30 on or after October 1, 2005.

31 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 October 1, 2005.