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By: **Delegates Morhaim, Barve, Boutin, ~~and Hubbard~~ Hubbard, Kullen, Mandel, Murray, Nathan-Pulliam, and Oaks**

Introduced and read first time: January 27, 2005

Assigned to: Health and Government Operations

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 21, 2005

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CHAPTER \_\_\_\_\_

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

13 BY adding to  
 14 Article - Health - General  
 15 Section 19-706(ddd)  
 16 Annotated Code of Maryland  
 17 (2000 Replacement Volume and 2004 Supplement)

18 BY adding to  
 19 Article - Insurance  
 20 Section 15-841  
 21 Annotated Code of Maryland  
 22 (2002 Replacement Volume and 2004 Supplement)

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

3 **Article - Health - General**

4 19-706.

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

7 **Article - Insurance**

8 15-841.

9 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
10 INDICATED.

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

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

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

16 2. IS OBTAINED UNDER A PRESCRIPTION WRITTEN BY AN  
17 AUTHORIZED PRESCRIBER.

18 (II) "NICOTINE REPLACEMENT THERAPY" ~~INCLUDES GUM,~~  
19 ~~LOZENGES, NASAL SPRAYS, INHALERS, AND TRANSDERMAL PATCHES DOES NOT~~  
20 INCLUDE ANY OVER-THE-COUNTER PRODUCT THAT MAY BE OBTAINED WITHOUT A  
21 PRESCRIPTION.

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

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

25 (I) INSURERS AND NONPROFIT HEALTH SERVICE PLANS THAT  
26 PROVIDE COVERAGE FOR PRESCRIPTION DRUGS TO INDIVIDUALS OR GROUPS UNDER  
27 HEALTH INSURANCE POLICIES OR CONTRACTS THAT ARE ISSUED OR DELIVERED IN  
28 THE STATE; AND

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

32 (2) AN ENTITY SUBJECT TO THIS SUBSECTION SHALL PROVIDE  
33 COVERAGE FOR:

1 (I) EXCEPT FOR A DRUG THAT MAY BE OBTAINED  
2 OVER-THE-COUNTER WITHOUT A PRESCRIPTION, ANY DRUG THAT:

3 1. IS APPROVED BY THE UNITED STATES FOOD AND DRUG  
4 ADMINISTRATION AS AN AID FOR THE CESSATION OF THE USE OF TOBACCO  
5 PRODUCTS; AND

6 2. IS OBTAINED UNDER A PRESCRIPTION WRITTEN BY AN  
7 AUTHORIZED PRESCRIBER; AND

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

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

14 ~~(C) (1) THIS SUBSECTION APPLIES TO:~~

15 ~~(1) INSURERS AND NONPROFIT HEALTH SERVICE PLANS THAT~~  
16 ~~PROVIDE HOSPITAL, MEDICAL, OR SURGICAL BENEFITS TO INDIVIDUALS OR GROUPS~~  
17 ~~ON AN EXPENSE INCURRED BASIS UNDER HEALTH INSURANCE POLICIES OR~~  
18 ~~CONTRACTS THAT ARE ISSUED OR DELIVERED IN THE STATE; AND~~

19 ~~(II) HEALTH MAINTENANCE ORGANIZATIONS THAT PROVIDE~~  
20 ~~HOSPITAL, MEDICAL, OR SURGICAL BENEFITS TO INDIVIDUALS OR GROUPS UNDER~~  
21 ~~CONTRACTS THAT ARE ISSUED OR DELIVERED IN THE STATE.~~

22 ~~(2) AN ENTITY SUBJECT TO THIS SUBSECTION SHALL PROVIDE~~  
23 ~~COVERAGE FOR:~~

24 ~~(1) TWO OFFICE VISITS TO A PHYSICIAN OR OTHER HEALTH CARE~~  
25 ~~PROVIDER DURING EACH 12 MONTH PERIOD FOR THE EVALUATION AND~~  
26 ~~TREATMENT OF AN INSURED OR ENROLLEE TO ASSIST THE INSURED OR ENROLLEE~~  
27 ~~TO CEASE THE USE OF TOBACCO PRODUCTS; AND~~

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

32 ~~(3) AN ENTITY SUBJECT TO THIS SUBSECTION MAY NOT IMPOSE A~~  
33 ~~DIFFERENT COPAYMENT OR COINSURANCE REQUIREMENT FOR AN OFFICE VISIT TO~~  
34 ~~A PHYSICIAN OR OTHER HEALTH CARE PROVIDER FOR A PURPOSE DESCRIBED IN~~  
35 ~~PARAGRAPH (2) OF THIS SUBSECTION THAN IS IMPOSED FOR ANY OTHER OFFICE~~  
36 ~~VISIT TO A PHYSICIAN OR OTHER HEALTH CARE PROVIDER.~~

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

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