

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1045 (Delegate Pena-Melnyk, *et al.*)
Health and Government Operations

**Health Insurance and Family Planning Services - Consumer Protections -
Updates**

This bill updates references to federal law related to family planning services and expands the definition of “family planning providers” under the Family Planning Program in the Maryland Department of Health (MDH). The bill specifies that the Insurance Commissioner and the Maryland Commission on Civil Rights (MCCR) have concurrent jurisdiction to enforce consumer protection provisions related to discrimination in health insurance. The Commissioner may adopt regulations necessary to carry out enforcement of such provisions, consistent with federal statute, rules, and guidance in effect on December 31, 2024. The bill also updates references to federal rules and guidance relating to health insurance consumer protection provisions. **The bill takes effect June 1, 2025.**

Fiscal Summary

State Effect: The bill does not substantively change State activities or operations.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary/Current Law:

Family Planning Program

Chapters 28 and 810 of 2017 established a Family Planning Program in MDH to ensure the continuity of family planning services in the State. Program funding must be in addition

to any funding applied by MDH, before December 31, 2016, to the maintenance of effort (MOE) requirement for federal funding under the Title X Family Planning Program. MDH may not accept any federal funding under Title X if that program (1) excludes family planning providers and (2) does not require such providers to provide a broad range of acceptable and effective medically approved family planning methods and services.

Statute defines “family planning providers” under the program to mean providers of services (1) funded under Title X of the federal Public Health Service Act as of December 31, 2016, and (2) that lost eligibility for Title X funding as a result of the termination of federal funding for providers because of the scope of services offered by the providers or the scope of services for which the providers offer referrals.

Under the bill, the definition of “family planning providers” is updated to (1) reflect providers of services funded under Title X of the federal Public Health Service Act as of December 31, 2024, and (2) include providers that lost eligibility for Title X funding because the scope of services for which the providers offer *counseling, or other actions described in rules described by the U.S. Department of Health and Human Services or the provisions of funding or grants to entities of providers who have lost funding.*

The bill also updates the definition of “family planning services” to reflect services provided under Title X of the federal Public Health Service Act as of December 31, 2024, and specifies that program funding must be in addition to any funding applied by MDH, before December 31, 2024, to the MOE requirement for federal funding under the Title X Family Planning Program.

Carrier Prohibition Against Discrimination

Section 15-1A-22 of the Insurance Article prohibits a carrier from refusing, withholding, or denying coverage under a health benefit plan to, or otherwise discriminating against, any individual on the grounds of race, sex, color, creed, national origin, marital status, sexual orientation, age, gender identity, or disability. MCCR must enforce these provisions. These prohibitions do not apply to limitations or restrictions related to age or marital status that are specifically authorized or required under the Insurance Article to limit or restrict eligibility for insurance coverage or benefits.

Under the bill, the Commission has concurrent jurisdiction with MCCR for the enforcement of these provisions.

Grandfathered Plans

Section 15-1A-01 of the Insurance Article defines a “grandfathered plan” as a health benefit plan that meets the criteria established under 45 C.F.R. § 147.140 and any

corresponding federal rules or guidance as those provisions were in effect as of December 1, 2023, or meets the criteria of specified regulations adopted by the Commissioner.

Under the bill, the date of any corresponding federal rules or guidance as those provisions were in effect is changed to December 31, 2024.

Regulations Regarding Consumer Protection Provisions

Throughout Title 15, Subtitle 1A of the Insurance Article, various provisions require the Commissioner to adopt regulations regarding consumer protections that must be consistent with specified federal law and any corresponding federal rules and guidelines as those provisions were in effect either as of December 1, 2019, or as of December 1, 2023.

Under the bill, the date for corresponding federal rules and guidelines references are updated to December 31, 2024.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: SB 940 (Senator Hayes) - Finance.

Information Source(s): Maryland Commission on Civil Rights; Maryland Department of Health; Maryland Insurance Administration; Department of Legislative Services

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js/ljm

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