

SB0138S01 compared with SB0138

~~{deleted text}~~ shows text that was in SB0138 but was deleted in SB0138S01.

inserted text shows text that was not in SB0138 but was inserted into SB0138S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will not be completely accurate. Therefore, you need to read the actual bill. This automatically generated document could experience abnormalities caused by: limitations of the compare program; bad input data; the timing of the compare; and other potential causes.

Senator Todd Weiler proposes the following substitute bill:

HEALTH INSURANCE MANDATE ACCOUNTABILITY

AMENDMENTS

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Todd Weiler

House Sponsor: _____

LONG TITLE

General Description:

This bill amends the Accident and Health Insurance Policy chapter of the Insurance Code.

Highlighted Provisions:

This bill:

- ▶ applies a health insurance mandate that is enacted by the state after January 1, 2012, to a public school district, charter school, or a state funded institution of higher education;
- ▶ requires the state to evaluate the cost of an insurance mandate enacted after January 1, 2012, for the state employees' risk pool, a public school district, a charter school,

SB0138S01 compared with SB0138

and state funded institutions of higher education;

- ▶ requires the state to appropriate the cost of implementing a health insurance mandate enacted after January 1, 2012, to the participating employers in the state employees' risk pools, public school districts, charter schools, and state funded institutions of higher education; and
- ▶ makes technical amendments.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides an immediate effective date.

Utah Code Sections Affected:

AMENDS:

31A-22-605.5, as last amended by Laws of Utah 2008, Chapters 241 and 250

49-20-407, as last amended by Laws of Utah 2004, Chapter 229

ENACTS:

53A-3-431, Utah Code Annotated 1953

53B-1-101.8, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **31A-22-605.5** is amended to read:

31A-22-605.5. Application.

(1) For purposes of this section "insurance mandate":

(a) means a mandatory obligation with respect to coverage, benefits, or the number or types of providers imposed on policies of accident and health insurance; and

(b) does not mean:

(i) an administrative rule imposing a mandatory obligation with respect to coverage, benefits, or providers unless that mandatory obligation was specifically imposed on policies of accident and health insurance by statute[-]; or

(ii) an insurance mandate in an essential health benefits package imposed pursuant to the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, and the Health Care Education Reconciliation Act of 2010, Pub. L. No. 111-152, and federal rules related to their

SB0138S01 compared with SB0138

implementation.

(2) (a) Notwithstanding the provisions of Subsection 31A-1-103(3)(f), the following shall apply to health coverage offered to the state employees' risk pool under Subsection 49-20-202(1)(a):

(i) any law [~~imposed~~] enacted under this title that becomes effective after January 1, 2002, which provides for an insurance mandate for policies of accident and health insurance; and

(ii) in accordance with Section 31A-22-613.5, disclosure requirements for coverage limitations.

(b) Notwithstanding the provisions of Subsection 31A-1-103(3)(f), a health insurance mandate enacted under this title after January 1, 2012, shall apply to:

(i) health coverage offered to the state employees' risk pool under Subsection 49-20-202(1)(a); and

(ii) health coverage offered to public school districts, charter schools, and institutions of higher education under Subsection 49-20-201(1)(b).

~~[(b)]~~ (c) If health coverage offered to the state employees' risk pool under ~~[Subsection]~~ Subsections 49-20-201(1)(b) and 49-20-202(1)(a) offers coverage in the same manner and to the same extent as the coverage required by ~~[the]~~ an insurance mandate [~~imposed~~] enacted under this title or coverage that is greater than the insurance mandate [~~imposed~~] enacted under this title, the coverage offered to state employees under ~~[Subsection]~~ Subsections 49-20-201(1)(b) and 49-20-202(1)(a) will be considered in compliance with the insurance mandate.

~~[(c)]~~ (d) The ~~[program]~~ programs regulated under ~~[Subsection]~~ Subsections 49-20-201(1)(b) and 49-20-202(1)(a) shall report to the Retirement and Independent Entities Committee created under Section 63E-1-201 by November 30 of each year in which a mandate is [~~imposed~~] enacted under the provisions of this section. The report shall include the costs and benefits of the particular mandatory obligation.

(3) (a) An insurance mandate for policies of accident and health insurance enacted under this title after January 1, 2012, shall apply to policies of accident and health insurance offered by a public school district, a charter school, or a state funded institution of higher education that is not insured through the Public Employees' Benefit and Insurance Program.

SB0138S01 compared with SB0138

(b) If an insurance mandate for policies of accident and health insurance is enacted under this title after January 1, 2012, the state shall determine whether each entity described in Subsections (2) and (3)(a) offers coverage in the same manner and to the same extent, or greater than the insurance coverage required in the mandate enacted after January 1, 2012.

(c) Before enacting an insurance mandate, the state shall, for each entity that does not offer coverage in accordance with Subsection (3)(b):

(i) determine the cost to the entity of implementing the insurance mandate; and

(ii) appropriate money necessary to fund the full cost to the entity of implementing the insurance mandate.

Section 2. Section **49-20-407** is amended to read:

49-20-407. Insurance mandates.

Notwithstanding the provisions of Subsection 31A-1-103(3)(f)[;]:

(1) health coverage offered to the state employee risk pool under Subsection 49-20-202(1)(a) shall comply with the provisions of Sections 31A-8-501 and 31A-22-605.5; and

(2) health coverage offered to public school districts, charter schools, and institutions of higher education under Subsection ~~49-20-301~~49-20-201(1)(b) shall comply with the provisions of Section 31A-22-605.5.

Section 3. Section **53A-3-431** is enacted to read:

53A-3-431. Health Insurance Mandates.

A local school board and the governing body of a charter school shall include in an accident and health insurance policy it offers to school district employees, or charter school employees insurance mandates in accordance with Section 31A-22-605.5.

Section 4. Section **53B-1-101.8** is enacted to read:

53B-1-101.8. Health Insurance Mandates.

An institution of higher education shall include in an accident and health insurance policy it offers to its employees insurance mandates in accordance with Section 31A-22-605.5

Section ~~3~~5. **Effective date.**

If approved by two-thirds of all the members elected to each house, this bill takes effect upon approval by the governor, or the day following the constitutional time limit of Utah Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto,

SB0138S01 compared with SB0138

the date of veto override.

†

Legislative Review Note

~~_____ as of 1-24-12 6:44 PM~~

~~_____ Office of Legislative Research and General Counsel}~~