Amend reengrossed bill, page 3, line 14, strike "The" and substitute "(I) Subject to subsection (18)(b.7)(III) of this section, the".

Page 3, after line 20 add:

"(II) Within one hundred twenty days after the effective date of this subsection (18)(b.7), the division shall submit to the federal department of health and human services its determination as to whether the coverage specified in this subsection (18)(b.7) is in addition to essential health benefits and would be subject to defrayal by the state pursuant to 42 U.S.C. Sec. 18031 (d)(3)(B) and a request that the federal department confirm the division's determination within sixty days after receipt of the division's request and submission of its determination.

(III) This subsection (18)(b.7) applies to policies or contracts issued or renewed in this state that are subject to this subsection (18), and the division shall implement the requirements of this subsection (18)(b.7), if:

(A) The division receives confirmation from the federal department of health and human services that the coverage specified in this subsection (18)(b.7) does not constitute an additional benefit that requires defrayal by the state pursuant to 42 U.S.C. Sec. 18031 (d)(3)(B); or

(B) More than three hundred sixty-five days have passed since the division submitted its determination and request for confirmation that the coverage specified in this subsection (18)(b.7) is not an additional benefit that requires state defrayal pursuant to 42 U.S.C. Sec. 18031 (d)(3)(B), and the federal department of health and human services has failed to respond to the request within that period, in which case the division shall consider the federal department's unreasonable delay a preclusion from requiring defrayal by the state.".