

## SENATE FLOOR AMENDMENT

Second Reading

BY SENATOR Winter

1 Amend the Health and Human Services Committee Report, dated  
2 February 27, 2020, page 1, line 2, strike "SECTION," and substitute  
3 "SECTION AND SUBJECT TO SUBSECTION (23)(f) OF THIS SECTION,".

4 Page 1 of the committee report, strike line 14 and substitute "EMPLOYER  
5 OFFERS TO ITS EMPLOYEES.

6 (f) (I) WITHIN ONE HUNDRED TWENTY DAYS AFTER THE EFFECTIVE  
7 DATE OF THIS SUBSECTION (23), THE DIVISION SHALL SUBMIT TO THE  
8 FEDERAL DEPARTMENT OF HEALTH AND HUMAN SERVICES ITS  
9 DETERMINATION AS TO WHETHER THE COVERAGE SPECIFIED IN THIS  
10 SUBSECTION (23) IS IN ADDITION TO ESSENTIAL HEALTH BENEFITS AND  
11 WOULD BE SUBJECT TO DEFRAYAL BY THE STATE PURSUANT TO 42 U.S.C.  
12 SEC. 18031 (d)(3)(B) AND A REQUEST THAT THE FEDERAL DEPARTMENT  
13 CONFIRM THE DIVISION'S DETERMINATION WITHIN SIXTY DAYS AFTER  
14 RECEIPT OF THE DIVISION'S REQUEST AND SUBMISSION OF ITS  
15 DETERMINATION.

16 (II) THIS SUBSECTION (23) APPLIES TO HEALTH BENEFIT PLANS  
17 ISSUED OR RENEWED IN THIS STATE THAT ARE SUBJECT TO THIS  
18 SUBSECTION (23), AND THE DIVISION SHALL IMPLEMENT THE  
19 REQUIREMENTS OF THIS SUBSECTION (23), IF:

20 (A) THE DIVISION RECEIVES CONFIRMATION FROM THE FEDERAL  
21 DEPARTMENT OF HEALTH AND HUMAN SERVICES THAT THE COVERAGE  
22 SPECIFIED IN THIS SUBSECTION (23) DOES NOT CONSTITUTE AN ADDITIONAL  
23 BENEFIT THAT REQUIRES DEFRAYAL BY THE STATE PURSUANT TO 42 U.S.C.  
24 SEC. 18031 (d)(3)(B); OR

25 (B) MORE THAN THREE HUNDRED SIXTY-FIVE DAYS HAVE PASSED  
26 SINCE THE DIVISION SUBMITTED ITS DETERMINATION AND REQUEST FOR  
27 CONFIRMATION THAT THE COVERAGE SPECIFIED IN THIS SUBSECTION (23)  
28 IS NOT AN ADDITIONAL BENEFIT THAT REQUIRES STATE DEFRAYAL  
29 PURSUANT TO 42 U.S.C. SEC. 18031 (d)(3)(B), AND THE FEDERAL  
30 DEPARTMENT OF HEALTH AND HUMAN SERVICES HAS FAILED TO RESPOND  
31 TO THE REQUEST WITHIN THAT PERIOD, IN WHICH CASE THE DIVISION  
32 SHALL CONSIDER THE FEDERAL DEPARTMENT'S UNREASONABLE DELAY A  
33 PRECLUSION FROM REQUIRING DEFRAYAL BY THE STATE.".

34 Amend reengrossed bill, strike page 5 and substitute:

35 "SECTION 4. **Applicability.** This act applies to health benefit  
36 plans issued or renewed on or after January 1, 2022.

37 SECTION 5. **Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, or safety."

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