

# SENATE BILL 183

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EMERGENCY BILL

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By: **Senator Lam**

Introduced and read first time: January 15, 2020

Assigned to: Finance

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## A BILL ENTITLED

1 AN ACT concerning

2 **Health Insurance – Health Benefit Plans – Special Enrollment Period for**  
3 **Pregnancy**

4 FOR the purpose of altering the circumstances under which certain health benefit plans  
5 and certain carriers are required to provide a special enrollment period during which  
6 certain individuals who become pregnant may enroll in a health benefit plan;  
7 altering the date on which the special enrollment period for certain individuals who  
8 become pregnant begins; altering the effective dates of coverage for certain  
9 individuals who enroll in certain health benefit plans during certain special  
10 enrollment periods; repealing a certain defined term; providing for the application of  
11 this Act; making conforming changes; making this Act an emergency measure; and  
12 generally relating to special enrollment periods for pregnancy.

13 BY repealing and reenacting, without amendments,  
14 Article – Insurance  
15 Section 15–1201(a)  
16 Annotated Code of Maryland  
17 (2017 Replacement Volume and 2019 Supplement)

18 BY repealing  
19 Article – Insurance  
20 Section 15–1201(j)  
21 Annotated Code of Maryland  
22 (2017 Replacement Volume and 2019 Supplement)

23 BY repealing and reenacting, with amendments,  
24 Article – Insurance  
25 Section 15–1208.1(c)(5), (e)(2), and (f)(2) and 15–1316(a), (c)(2), (d)(2), (e), and (f)(2)  
26 Annotated Code of Maryland  
27 (2017 Replacement Volume and 2019 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY renumbering  
 2 Article – Insurance  
 3 Section 15–1201(k) through (bb), respectively  
 4 to be Section 15–1201(j) through (aa), respectively  
 5 Annotated Code of Maryland  
 6 (2017 Replacement Volume and 2019 Supplement)

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

9 **Article – Insurance**

10 15–1201.

11 (a) In this subtitle the following words have the meanings indicated.

12 [(j) “Health care practitioner” has the meaning stated in § 1–301 of the Health  
 13 Occupations Article.]

14 15–1208.1.

15 (c) All small employer health benefit plans shall provide a special enrollment  
 16 period during which the following individuals may be enrolled under the health benefit  
 17 plan:

18 (5) (i) an eligible employee who becomes pregnant, as [confirmed]  
 19 **ATTESTED TO** by [a health care practitioner] **THE ELIGIBLE EMPLOYEE**; and

20 (ii) an eligible employee’s spouse or dependent who becomes  
 21 pregnant, as [confirmed] **ATTESTED TO** by [a health care practitioner] **THE SPOUSE OR**  
 22 **DEPENDENT**, provided the spouse or dependent is otherwise eligible for coverage.

23 (e) (2) The special enrollment period under subsection (c)(5) of this section  
 24 shall:

25 (i) be open for a period of 90 days; and

26 (ii) begin on the date [a health care practitioner confirms the  
 27 pregnancy] **THE ELIGIBLE EMPLOYEE OR THE ELIGIBLE EMPLOYEE’S SPOUSE OR**  
 28 **DEPENDENT ATTESTS TO RECEIVING CONFIRMATION OF THE PREGNANCY**.

29 (f) (2) If an eligible employee **OR AN ELIGIBLE EMPLOYEE’S SPOUSE OR**  
 30 **DEPENDENT** enrolls [an individual] **IN A HEALTH BENEFIT PLAN DURING A SPECIAL**  
 31 **ENROLLMENT PERIOD** described in subsection (c)(5) of this section [in a health benefit  
 32 plan], the coverage shall become effective on the first day of the month in which:

1 (I) the [individual receives] **ELIGIBLE EMPLOYEE OR THE**  
2 **ELIGIBLE EMPLOYEE’S SPOUSE OR DEPENDENT ATTESTS TO RECEIVING** confirmation  
3 of **THE** pregnancy; **OR**

4 (II) **THE ELIGIBLE EMPLOYEE OR THE ELIGIBLE EMPLOYEE’S**  
5 **SPOUSE OR DEPENDENT ENROLLS IN THE HEALTH BENEFIT PLAN.**

6 15–1316.

7 (a) (1) In this section the following words have the meanings indicated.

8 (2) “Dependent” means an individual who is or who may become eligible  
9 for coverage under the terms of a health benefit plan because of a relationship with another  
10 individual.

11 [(3) “Health care practitioner” has the meaning stated in § 1–301 of the  
12 Health Occupations Article.]

13 [(4) (3) “Qualifying coverage in an eligible employer–sponsored plan”  
14 has the meaning stated in 45 C.F.R. § 155.300.

15 (c) A carrier participating in the Individual Exchange shall provide:

16 (2) a special enrollment period for an individual who purchases coverage  
17 through the Individual Exchange if the individual or a dependent of the individual becomes  
18 pregnant, as [confirmed] **ATTESTED TO** by [a health care practitioner] **THE INDIVIDUAL**  
19 **OR THE DEPENDENT OF THE INDIVIDUAL.**

20 (d) A carrier shall provide:

21 (2) a special enrollment period for an individual who purchases coverage  
22 outside the Individual Exchange if the individual or a dependent of the individual becomes  
23 pregnant, as [confirmed] **ATTESTED TO** by [a health care practitioner] **THE INDIVIDUAL**  
24 **OR THE DEPENDENT OF THE INDIVIDUAL.**

25 (e) A special enrollment period described in subsection (c)(2) or (d)(2) of this  
26 section shall:

27 (1) be open for a period of 90 days; and

28 (2) begin on the date [the health care practitioner confirms the pregnancy]  
29 **THE INDIVIDUAL OR THE DEPENDENT OF THE INDIVIDUAL ATTESTS TO RECEIVING**  
30 **CONFIRMATION OF THE PREGNANCY.**

31 (f) (2) If an individual enrolls for coverage or enrolls a dependent for coverage  
32 during a special enrollment period described in subsection (c)(2) or (d)(2) of this section, the

1 coverage shall become effective on the first day of the month in which:

2                   **(I)** the individual [receives] **OR THE DEPENDENT OF THE**  
3 **INDIVIDUAL ATTESTS TO RECEIVING** confirmation of **THE** pregnancy; **OR**

4                   **(II)** **THE INDIVIDUAL OR THE DEPENDENT OF THE INDIVIDUAL**  
5 **ENROLLS FOR COVERAGE.**

6           SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 15–1201(k) through  
7 (bb), respectively, of Article – Insurance of the Annotated Code of Maryland be renumbered  
8 to be Section(s) 15–1201(j) through (aa), respectively.

9           SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall apply to all  
10 policies, contracts, and health benefit plans issued, delivered, amended, or renewed in the  
11 State on or after the effective date of this Act.

12           SECTION 4. AND BE IT FURTHER ENACTED, That this Act is an emergency  
13 measure, is necessary for the immediate preservation of the public health or safety, has  
14 been passed by a ye and nay vote supported by three–fifths of all the members elected to  
15 each of the two Houses of the General Assembly, and shall take effect from the date it is  
16 enacted.