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Date: (Filing No. H-)

HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
130TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 1339, L.D. 1798, “An Act To Ensure Health Insurance Coverage for Certain Adults with Disabilities”

Amend the bill by striking out all of the emergency preamble.

Amend the bill by striking out everything after the enacting clause and inserting the following:

'Sec. 1. 24-A MRSA §2742-B, sub-§2, as amended by PL 2019, c. 5, Pt. A, §8, is further amended to read:

2. Offer of coverage. Notwithstanding section 2703, subsection 3, an individual health insurance policy that offers coverage for a dependent child must offer such coverage, at the option of the policyholder, until the dependent child attains 26 years of age. If the dependent child has a disability, the policy must offer coverage in accordance with section 2742-C.

Sec. 2. 24-A MRSA §2742-C is enacted to read:

§2742-C. Mandatory offer of coverage for certain adults with disabilities

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

- A. "Dependent child" has the same meaning as in section 2742-B, subsection 1.
- B. "Disability" means a physical, mental, intellectual or developmental disability that renders a person incapable of self-sustaining employment.

2. Offer of coverage. An individual health insurance policy that offers coverage for a dependent child must offer such coverage, at the option of the policyholder, for a dependent child with a disability, regardless of age.

3. Proof of disability. A policyholder shall furnish proof of a dependent child's disability to the insurer within 31 days of the dependent child's attainment of the limiting age established in section 2742-B, subsection 2 and subsequently as may be required by

COMMITTEE AMENDMENT

1 the insurer, but the insurer may not require proof more frequently than annually after the
2 2-year period following the dependent child's attainment of the limiting age.

3 **Sec. 3. 24-A MRSA §2833-B, sub-§2**, as amended by PL 2019, c. 5, Pt. A, §13, is
4 further amended to read:

5 **2. Offer of coverage.** Notwithstanding section 2822, a group health insurance policy
6 that offers coverage for a dependent child must offer such coverage, at the option of the
7 parent, until the dependent child attains 26 years of age. If the dependent child has a
8 disability, the policy must offer coverage in accordance with section 2833-C.

9 **Sec. 4. 24-A MRSA §2833-C** is enacted to read:

10 **§2833-C. Mandatory offer of coverage for certain adults with disabilities**

11 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
12 following terms have the following meanings.

13 A. "Dependent child" has the same meaning as in section 2833-B, subsection 1.

14 B. "Disability" means a physical, mental, intellectual or developmental disability that
15 renders a person incapable of self-sustaining employment.

16 **2. Offer of coverage.** A group health insurance policy that offers coverage for a
17 dependent child must offer such coverage, at the option of the parent, for a dependent child
18 with a disability, regardless of age.

19 **3. Proof of disability.** A parent shall furnish proof of a dependent child's disability to
20 the insurer within 31 days of the dependent child's attainment of the limiting age established
21 in section 2833-B, subsection 2 and subsequently as may be required by the insurer, but the
22 insurer may not require proof more frequently than annually after the 2-year period
23 following the dependent child's attainment of the limiting age.

24 **Sec. 5. 24-A MRSA §4233-B, sub-§2**, as amended by PL 2019, c. 5, Pt. A, §18, is
25 further amended to read:

26 **2. Offer of coverage.** An individual or group health maintenance organization
27 contract that offers coverage for a dependent child must offer such coverage, at the option
28 of the parent, until the dependent child attains 26 years of age. If the dependent child has a
29 disability, the contract must offer coverage in accordance with section 4233-C.

30 **Sec. 6. 24-A MRSA §4233-C** is enacted to read:

31 **§4233-C. Mandatory offer of coverage for certain adults with disabilities**

32 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
33 following terms have the following meanings.

34 A. "Dependent child" has the same meaning as in section 4233-B, subsection 1.

35 B. "Disability" means a physical, mental, intellectual or developmental disability that
36 renders a person incapable of self-sustaining employment.

37 **2. Offer of coverage.** An individual or group health maintenance organization contract
38 that offers coverage for a dependent child must offer such coverage, at the option of the
39 parent, for a dependent child with a disability, regardless of age.

1 **3. Proof of disability.** A parent shall furnish proof of a dependent child's disability to
2 the insurer within 31 days of the dependent child's attainment of the limiting age established
3 in section 4233-B, subsection 2 and subsequently as may be required by the insurer, but the
4 insurer may not require proof more frequently than annually after the 2-year period
5 following the dependent child's attainment of the limiting age.

6 **Sec. 7. 24-A MRSA §4320-B**, as enacted by PL 2011, c. 364, §34, is amended to
7 read:

8 **§4320-B. Extension of dependent coverage**

9 A carrier offering a health plan subject to the requirements of the federal Affordable
10 Care Act that provides dependent coverage of children shall continue to make such
11 coverage available for an adult child until the child turns 26 years of age, consistent with
12 the federal Affordable Care Act, and offer coverage for a dependent child with a disability
13 in accordance with section 4320-R.

14 **Sec. 8. 24-A MRSA §4320-R** is enacted to read:

15 **§4320-R. Mandatory offer of coverage for certain adults with disabilities**

16 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
17 following terms have the following meanings.

18 A. "Dependent child" has the same meaning as in section 4233-B, subsection 1.

19 B. "Disability" means a physical, mental, intellectual or developmental disability that
20 renders a person incapable of self-sustaining employment.

21 **2. Offer of coverage.** A health plan subject to the requirements of the federal
22 Affordable Care Act that offers coverage for a dependent child must offer such coverage,
23 at the option of the parent, for a dependent child with a disability, regardless of age.

24 **3. Proof of disability.** A parent shall furnish proof of a dependent child's disability to
25 the carrier within 31 days of the dependent child's attainment of the limiting age established
26 in section 4320-B and subsequently as may be required by the carrier, but the carrier may
27 not require proof more frequently than annually after the 2-year period following the
28 dependent child's attainment of the limiting age.'

29 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
30 number to read consecutively.

31 **SUMMARY**

32 This amendment replaces the bill. The amendment requires health insurance policies
33 that offer coverage for a dependent child to offer coverage for adults with disabilities who
34 are unable to sustain themselves through employment in the same manner as for a
35 dependent child on a parent's policy. The amendment clarifies that an insurer is required
36 to offer coverage for a dependent child with a disability, at the option of the policyholder,
37 regardless of age. The amendment also clarifies the definition of "disability" to include a
38 mental disability.

39 The amendment removes the emergency preamble and emergency clause from the bill.