

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Health & Human Services.

SB24-124 be amended as follows:

1 Page 3, after line 20 insert:

2 "(g) (I) THE DIVISION SHALL SUBMIT TO THE FEDERAL  
3 DEPARTMENT OF HEALTH AND HUMAN SERVICES:

4 (A) A DETERMINATION AS TO WHETHER THE BENEFIT SPECIFIED IN  
5 THIS SUBSECTION (27) IS IN ADDITION TO ESSENTIAL HEALTH BENEFITS AND  
6 WOULD BE SUBJECT TO DEFRAID BY THE STATE PURSUANT TO 42 U.S.C.  
7 SEC. 18031 (d)(3)(B); AND

8 (B) A REQUEST THAT THE FEDERAL DEPARTMENT OF HEALTH AND  
9 HUMAN SERVICES CONFIRM THE DIVISION'S DETERMINATION WITHIN SIXTY  
10 DAYS AFTER RECEIPT OF THE DIVISION'S REQUEST AND SUBMISSION OF ITS  
11 DETERMINATION.

12 (II) THIS SUBSECTION (27) APPLIES TO, AND THE DIVISION SHALL  
13 IMPLEMENT THE PROVISIONS OF THIS SUBSECTION (27) FOR, LARGE  
14 EMPLOYER HEALTH BENEFIT PLANS ISSUED OR RENEWED IN THIS STATE ON  
15 OR AFTER JANUARY 1, 2025.

16 (III) THIS SUBSECTION (27) APPLIES TO, AND THE DIVISION SHALL  
17 IMPLEMENT THE REQUIREMENTS OF THIS SUBSECTION (27) FOR,  
18 INDIVIDUAL AND SMALL GROUP HEALTH BENEFIT PLANS ISSUED OR  
19 RENEWED IN THIS STATE TWELVE MONTHS AFTER THE EARLIER OF THE  
20 FOLLOWING:

21 (A) THE DIVISION RECEIVES CONFIRMATION FROM THE FEDERAL  
22 DEPARTMENT OF HEALTH AND HUMAN SERVICES THAT THE COVERAGE  
23 SPECIFIED IN THIS SUBSECTION (27) DOES NOT CONSTITUTE AN ADDITIONAL  
24 BENEFIT THAT REQUIRES DEFRAID BY THE STATE PURSUANT TO 42 U.S.C.  
25 SEC. 18031 (d)(3)(B);

26 (B) THE FEDERAL DEPARTMENT OF HEALTH AND HUMAN SERVICES  
27 HAS OTHERWISE INFORMED THE DIVISION THAT THE COVERAGE DOES NOT  
28 REQUIRE STATE DEFRAID PURSUANT TO 42 U.S.C. SEC. 18031 (d)(3)(B);  
29 OR

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

40 Reletter succeeding paragraphs accordingly.

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