

HOUSE BILL 979

K4, P4

EMERGENCY BILL

9lr0393

By: **Delegates Parrott, Buckel, Ciliberti, Corderman, Long, Malone, Mangione, McComas, McKay, Reilly, Rose, and Shoemaker**

Introduced and read first time: February 8, 2019

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **State Employee and Retiree Health and Welfare Benefits Program – Retiree**
3 **Participation in the State Prescription Drug Benefit Plan**

4 FOR the purpose of requiring the State to continue providing a certain prescription drug
5 benefit plan to certain retirees by repealing the termination of a certain State
6 prescription drug benefit plan on a certain date for certain retirees, spouses, and
7 dependent children under certain circumstances; authorizing certain retirees who
8 participate in a certain prescription drug benefit plan with a spouse or dependent
9 child to elect to have the spouse or dependent child covered under a certain State
10 prescription drug benefit plan; authorizing certain surviving spouses and surviving
11 dependent children to elect to enroll in a certain State prescription drug benefit plan;
12 making this Act an emergency measure; and generally relating to retirees from State
13 employment and participation in the State prescription drug benefit plan.

14 BY repealing and reenacting, with amendments,
15 Article – State Personnel and Pensions
16 Section 2–509.1
17 Annotated Code of Maryland
18 (2015 Replacement Volume and 2018 Supplement)

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

21 **Article – State Personnel and Pensions**

22 2–509.1.

23 (a) [Except as provided in subsection (b) of this section, the] **THE** State shall
24 continue to include a prescription drug benefit plan in the health insurance benefit options

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 established under the Program and available to retirees under §§ 2–508 and 2–509 of this
2 subtitle notwithstanding the enactment of the federal Medicare Prescription Drug,
3 Improvement, and Modernization Act of 2003 or any other federal law permitting states to
4 discontinue prescription drug benefit plans to retirees of a state.

5 [(b) Except as provided in subsection (c) of this section, on January 1, 2019, the
6 State shall discontinue prescription drug benefits for:

7 (1) a Medicare–eligible retiree;

8 (2) the Medicare–eligible spouse or surviving spouse of a retiree; and

9 (3) a Medicare–eligible dependent child or surviving dependent child of a
10 retiree.

11 (c) (1) If a retiree is eligible to participate in the prescription drug benefit plan
12 under Medicare, but the retiree’s spouse or dependent child is not eligible to participate in
13 a Medicare prescription drug benefit plan, the retiree may elect to cover the retiree’s spouse
14 or dependent child under the State prescription drug benefit plan.

15 (2) If the surviving spouse or surviving dependent child of a retiree is
16 eligible to enroll in the State prescription drug benefit plan under § 2–509 of this subtitle,
17 but is not eligible to participate in the prescription drug benefit plan under Medicare, the
18 surviving spouse or surviving dependent child may elect to enroll in the State prescription
19 drug benefit plan.

20 (d) (1) Subject to paragraph (2) of this subsection, not later than July 1, 2018,
21 the Secretary shall provide written certified notice to the individuals listed in subsection
22 (b) of this section of the change in the State prescription drug benefit plan under this
23 section.

24 (2) The notice shall include information regarding:

25 (i) coverage options available in the Medicare prescription drug
26 benefit plan; and

27 (ii) the potential for significant penalties if an individual does not
28 promptly choose a Medicare prescription drug benefit plan immediately on termination of
29 the individual’s participation in the State prescription drug benefit plan.]

30 **(B) (1) A RETIREE MAY ELECT TO COVER THE RETIREE’S SPOUSE OR
31 DEPENDENT CHILD UNDER THE STATE PRESCRIPTION DRUG BENEFIT PLAN.**

32 **(2) IF A SURVIVING SPOUSE OR SURVIVING DEPENDENT CHILD OF A
33 RETIREE IS ELIGIBLE TO ENROLL IN THE STATE PRESCRIPTION DRUG BENEFIT
34 PLAN UNDER § 2–509 OF THIS SUBTITLE, THE SURVIVING SPOUSE OR SURVIVING**

1 **DEPENDENT CHILD MAY ELECT TO ENROLL IN THE STATE PRESCRIPTION DRUG**
2 **BENEFIT PLAN.**

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
4 measure, is necessary for the immediate preservation of the public health or safety, has
5 been passed by a ye and nay vote supported by three-fifths of all the members elected to
6 each of the two Houses of the General Assembly, and shall take effect from the date it is
7 enacted.