

SENATE BILL 601

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CF HB 814

By: **Senator Feldman**

Introduced and read first time: February 6, 2023

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Health Benefit Exchange – State–Based Young Adult Health**
3 **Insurance Subsidies Pilot Program – Sunset Repeal**

4 FOR the purpose of renaming the State–Based Young Adult Health Insurance Subsidies
5 Pilot Program to be the State–Based Young Adult Health Insurance Subsidies
6 Program; repealing the termination date of certain provisions of law that establish
7 and govern the funding for the Program; and generally relating to the health
8 insurance subsidies for young adults.

9 BY repealing and reenacting, with amendments,
10 Article – Insurance
11 Section 31–107 and 31–122
12 Annotated Code of Maryland
13 (2017 Replacement Volume and 2022 Supplement)

14 BY repealing and reenacting, with amendments,
15 Chapter 778 of the Acts of the General Assembly of 2021
16 Section 2

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

19 **Article – Insurance**

20 31–107.

21 (a) There is a Maryland Health Benefit Exchange Fund.

22 (b) (1) The purpose of the Fund is to:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (i) provide funding for the operation and administration of the
2 Exchange in carrying out the purposes of the Exchange under this subtitle;

3 (ii) provide funding for the establishment and operation of the State
4 Reinsurance Program authorized under this subtitle;

5 (iii) provide funding for the Medical Assistance Program and the
6 Senior Prescription Drug Assistance Program;

7 (iv) provide funding for the establishment and operation of Health
8 Equity Resource Communities under Title 20, Subtitle 14 of the Health – General Article;
9 and

10 (v) provide funding for the establishment and operation of the
11 State–Based Young Adult Health Insurance Subsidies [Pilot] Program authorized under
12 this subtitle.

13 (2) The operation and administration of the Exchange, the State
14 Reinsurance Program, and the State–Based Young Adult Health Insurance Subsidies
15 [Pilot] Program may include functions delegated by the Exchange to a third party under
16 law or by contract.

17 (c) The Exchange shall administer the Fund.

18 (d) (1) The Fund is a special, nonlapsing fund that is not subject to § 7–302 of
19 the State Finance and Procurement Article.

20 (2) The State Treasurer shall hold the Fund separately, and the
21 Comptroller shall account for the Fund.

22 (e) The Fund consists of:

23 (1) any user fees or other assessments collected by the Exchange;

24 (2) all revenue deposited into the Fund that is received from the
25 distribution of the premium tax under § 6–103.2 of this article;

26 (3) income from investments made on behalf of the Fund;

27 (4) interest on deposits or investments of money in the Fund;

28 (5) money collected by the Board as a result of legal or other actions taken
29 by the Board on behalf of the Exchange or the Fund;

30 (6) money donated to the Fund;

31 (7) money awarded to the Fund through grants;

1 (8) any pass-through funds received from the federal government under a
2 waiver approved under § 1332 of the Affordable Care Act;

3 (9) any funds designated by the federal government to provide reinsurance
4 to carriers that offer individual health benefit plans in the State;

5 (10) any funds designated by the State to provide reinsurance to carriers
6 that offer individual health benefit plans in the State;

7 (11) any funds designated by the State to provide State-based health
8 insurance subsidies to young adults in the State;

9 (12) any federal funds received in accordance with § 31-121 of this subtitle
10 for the administration of small business tax credits; and

11 (13) any other money from any other source accepted for the benefit of the
12 Fund.

13 (f) (1) The Fund may be used only:

14 (i) 1. for the operation and administration of the Exchange in
15 carrying out the purposes authorized under this subtitle;

16 2. for the establishment and operation of the State
17 Reinsurance Program; and

18 3. for appropriations to the Health Equity Resource
19 Community Reserve Fund under § 20-1407 of the Health – General Article;

20 (ii) in fiscal years 2021 and 2022, for the Medical Assistance
21 Program within the Medical Care Programs Administration of the Maryland Department
22 of Health;

23 (iii) in fiscal year 2022, for the Senior Prescription Drug Assistance
24 Program established under Title 15, Subtitle 10 of the Health – General Article; and

25 (iv) for the establishment and operation of the State-Based Young
26 Adult Health Insurance Subsidies [Pilot] Program.

27 (2) In each of fiscal years 2023 through 2025, the Governor shall:

28 (i) transfer \$15,000,000 to the Health Equity Resource Community
29 Reserve Fund; and

1 (ii) include the funds transferred in accordance with item (i) of this
2 paragraph in the annual budget bill as an appropriation to the Health Equity Resource
3 Community Reserve Fund under § 20–1407 of the Health – General Article.

4 (g) (1) The Board shall maintain separate accounts within the Fund for
5 Exchange operations, for the State Reinsurance Program, and for the State–Based Young
6 Adult Health Insurance Subsidies [Pilot] Program.

7 (2) Accounts within the Fund shall contain the money that is intended to
8 support the purpose for which each account is designated.

9 (3) Funds received from the distribution of the premium tax under §
10 6–103.2 of this article shall be placed in the account for Exchange operations and may be
11 used only for the purpose of funding the operation and administration of the Exchange.

12 (4) The following funds may be used only for the purposes of funding the
13 State Reinsurance Program:

14 (i) any pass–through funds received from the federal government
15 under a waiver approved under § 1332 of the Affordable Care Act to provide reinsurance to
16 carriers that offer individual health benefit plans in the State;

17 (ii) any funds designated by the federal government to provide
18 reinsurance to carriers that offer individual health benefit plans in the State;

19 (iii) any funds designated by the State to provide reinsurance to
20 carriers that offer individual health benefit plans in the State; and

21 (iv) except as provided in subsection (f) of this section, funds received
22 from the distribution of the assessment under § 6–102.1 of this article.

23 (h) (1) Expenditures from the Fund for the purposes authorized by this
24 subtitle may be made only:

25 (i) with an appropriation from the Fund approved by the General
26 Assembly in the State budget; or

27 (ii) by the budget amendment procedure provided for in Title 7,
28 Subtitle 2 of the State Finance and Procurement Article.

29 (2) Notwithstanding § 7–304 of the State Finance and Procurement Article,
30 if the amount of the distribution from the premium tax under § 6–103.2 of this article
31 exceeds in any State fiscal year the actual expenditures incurred for the operation and
32 administration of the Exchange, funds in the Exchange operations account from the
33 premium tax that remain unspent at the end of the State fiscal year shall revert to the
34 General Fund of the State.

1 (3) If operating expenses of the Exchange may be charged to either State
2 or non-State fund sources, the non-State funds shall be charged before State funds are
3 charged.

4 (i) (1) The State Treasurer shall invest the money of the Fund in the same
5 manner as other State money may be invested.

6 (2) Any investment earnings of the Fund shall be credited to the Fund.

7 (3) Except as provided in subsection (h)(2) of this section, no part of the
8 Fund may revert or be credited to the General Fund or any special fund of the State.

9 (j) A debt or an obligation of the Fund is not a debt of the State or a pledge of
10 credit of the State.

11 31-122.

12 (a) In this section, ["Pilot Program"] "**PROGRAM**" means the State-Based Young
13 Adult Health Insurance Subsidies [Pilot] Program.

14 (b) The Exchange, in consultation with the Commissioner and as approved by the
15 Board, shall establish and implement a State-Based Young Adult Health Insurance
16 Subsidies [Pilot] Program to provide subsidies to young adults for the purchase of health
17 benefit plans in the individual health insurance market.

18 (c) The [Pilot] Program required under this section shall be designed to:

19 (1) reduce the amount that young adults pay for health benefit plans in the
20 individual health insurance market; and

21 (2) target young adults who are not directly impacted by the State
22 Reinsurance Program.

23 (d) (1) For **EACH** calendar [years 2022 and 2023] **YEAR**, the Exchange, in
24 consultation with the Commissioner and as approved by the Board, shall establish subsidy
25 eligibility and payment parameters for the [Pilot] Program.

26 (2) In determining the subsidy eligibility and payment parameters
27 required under paragraph (1) of this subsection, the Exchange shall consider:

28 (i) young adults at least 18 years old and under the age of 41 years;
29 and

30 (ii) income groups between 133% and 400% of the federal poverty
31 level.

1 (e) Subject to available funds, in each [of] fiscal [years 2022 through 2024] YEAR,
2 the Exchange may designate funds from the Fund to be used for the [Pilot] Program so that
3 not more than \$20,000,000 in annual subsidies may be provided to young adults who meet
4 the subsidy eligibility and payment parameters established under subsection (d) of this
5 section [in calendar years 2022 and 2023].

6 (f) [On or before January 1, 2022, the] THE Exchange shall adopt regulations
7 implementing the provisions of this section.

8 (g) [On or before January 1, 2023, the] THE Exchange shall adopt regulations to
9 provide a subsidy to cover 100% of the cost of the premium for young adults who have a 0%
10 expected contribution under the subsidy eligibility parameters established under
11 subsection (d) of this section [in calendar year 2023].

12 (h) (1) The Exchange shall track on a monthly basis expenditures on subsidies
13 provided under the [Pilot] Program, including:

14 (i) the average number of young adults receiving subsidies under
15 the [Pilot] Program; and

16 (ii) the average subsidy amount received by young adults under the
17 [Pilot] Program.

18 (2) The Exchange shall track:

19 (i) the impact the [Pilot] Program has on rates in the individual
20 insurance market; and

21 (ii) the impact of covering 100% of the cost of premiums for qualified
22 participants on effectuation rates and termination for nonpayment rates.

23 (3) The information tracked by the Exchange under paragraphs (1) and (2)
24 of this subsection shall be:

25 (i) posted on the website of the Exchange; and

26 (ii) included in the annual report required under § 31-119(d) of this
27 subtitle.

28 Chapter 778 of the Acts of 2021

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
30 1, 2021. [It shall remain effective for a period of 3 years and, at the end of June 30, 2024,
31 this Act, with no further action required by the General Assembly, shall be abrogated and
32 of no further force and effect.]

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
2 1, 2023.