

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND AND THIRTEEN

—
H.P. 563 - L.D. 812

**An Act To Create an Open Enrollment Period Consistent with Federal
Regulations for Health Insurance Exchanges**

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, individuals seeking to enroll in a health insurance exchange in this State may do so only during open enrollment periods and certain special enrollment periods as permitted by the federal Patient Protection and Affordable Care Act; and

Whereas, current law requires health insurance carriers to enroll individuals at any time in individual health plans not offered through the health insurance exchange; and

Whereas, this legislation would make enrollment periods under state law consistent with federal law related to individual health plans offered without regard to whether the health plans are purchased on the health insurance exchange; and

Whereas, if the law is not changed to be consistent with federal law, those health insurance carriers not offering coverage through the health insurance exchange are likely to experience adverse selection; and

Whereas, this legislation must be enacted before October 1, 2013, which is the date open enrollment for health insurance exchanges begins; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 24-A MRSA §2736-C, sub-§11 is enacted to read:

11. Open enrollment. Notwithstanding subsection 3, on or after January 1, 2014, a carrier may restrict enrollment in individual health plans to open enrollment periods and

special enrollment periods consistent with requirements of the federal Affordable Care Act.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.