

Representative Rosemary T. Lesser proposes the following substitute bill:

PREGNANCY MEDICAID COVERAGE AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Rosemary T. Lesser

Senate Sponsor: _____

LONG TITLE

General Description:

This bill extends eligibility for pregnant women under Medicaid.

Highlighted Provisions:

This bill:

▶ authorizes the Medicaid program to extend Medicaid coverage to pregnant women with a household income at or below the levels established in this bill.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

26-36b-208, as last amended by Laws of Utah 2021, Chapter 367

ENACTS:

26B-3-201, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **26-36b-208** is amended to read:



26 **26-36b-208. Medicaid Expansion Fund.**

27 (1) There is created an expendable special revenue fund known as the Medicaid
28 Expansion Fund.

29 (2) The fund consists of:

30 (a) assessments collected under this chapter;

31 (b) intergovernmental transfers under Section [26-36b-206](#);

32 (c) savings attributable to the health coverage improvement program as determined by
33 the department;

34 (d) savings attributable to the enhancement waiver program as determined by the
35 department;

36 (e) savings attributable to the Medicaid waiver expansion as determined by the
37 department;

38 (f) savings attributable to the inclusion of psychotropic drugs on the preferred drug list
39 under Subsection [26-18-2.4\(3\)](#) as determined by the department;

40 (g) revenues collected from the sales tax described in Subsection [59-12-103\(12\)](#);

41 (h) gifts, grants, donations, or any other conveyance of money that may be made to the
42 fund from private sources;

43 (i) interest earned on money in the fund; and

44 (j) additional amounts as appropriated by the Legislature.

45 (3) (a) The fund shall earn interest.

46 (b) All interest earned on fund money shall be deposited into the fund.

47 (4) (a) A state agency administering the provisions of this chapter may use money from
48 the fund to pay the costs, not otherwise paid for with federal funds or other revenue sources, of:

49 (i) the health coverage improvement program;

50 (ii) the enhancement waiver program;

51 (iii) a Medicaid waiver expansion; [~~and~~]

52 (iv) the outpatient upper payment limit supplemental payments under Section
53 [26-36b-210](#)[~~;~~]; and

54 (v) the Medicaid coverage for pregnant women described in Section [26B-3-201](#).

55 (b) A state agency administering the provisions of this chapter may not use:

56 (i) funds described in Subsection (2)(b) to pay the cost of private outpatient upper

57 payment limit supplemental payments; or

58 (ii) money in the fund for any purpose not described in Subsection (4)(a).

59 Section 2. Section **26B-3-201** is enacted to read:

60 **26B-3-201. Medicaid coverage for pregnant women.**

61 (1) (a) On or before July 1, 2023, the division shall request a Medicaid state plan
62 amendment from CMS to provide Medicaid coverage to pregnant women with a household
63 income less than or equal to 185% of the federal poverty level.

64 (b) On or before January 1, 2024, the division shall request a Medicaid waiver from
65 CMS to provide Medicaid coverage to pregnant women with a household income less than or
66 equal to 200% of the federal poverty level.

67 (2) If a waiver or state plan amendment described in Subsection (1) is approved, the
68 department shall implement the coverage as soon as practicable to the extent the waiver or state
69 plan amendment is approved by CMS.

70 (3) If the coverage described in Subsection (1) is implemented, the department may
71 only pay the state portion of costs for the coverage under this section with appropriations from
72 the Medicaid Expansion Fund created in Section [26-36b-208](#).