

## HOUSE BILL NO. HB0125

Interstate purchase of health insurance.

Sponsored by: Representative(s) Reeder, Burkhart,  
Esquibel, K., Harvey, Jaggi, Kroeker, Miller  
and Piiparinen and Senator(s) Anderson, J.D.  
(SD02) and Dockstader

A BILL

for

1 AN ACT relating to health insurance; authorizing Wyoming  
2 insurers to offer individual and small employer health  
3 insurance policies in Wyoming that have been approved for  
4 issuance in other states; prescribing notice requirements;  
5 granting rulemaking authority; preempting conflicting laws;  
6 providing definitions; and providing for an effective date.

7

8 *Be It Enacted by the Legislature of the State of Wyoming:*

9

10 **Section 1.** W.S. 26-18-301 through 26-18-307 are  
11 created to read:

12

13

ARTICLE 3

14

PURCHASE OF OUT-OF-STATE HEALTH INSURANCE POLICIES

15

1           **26-18-301. Definitions.**

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3           (a) As used in this article:

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5                   (i) "Health insurance," "health benefit plan"  
6 and "health benefit policy" mean a health benefit plan as  
7 defined by W.S. 26-1-102(a)(xxxii);

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9                   (ii) "High deductible health plan" means health  
10 insurance plans sold or maintained under the applicable  
11 provisions of section 223 of the Internal Revenue Code;

12

13                   (iii) "Small employer" means small employer as  
14 defined by W.S. 26-19-302(a)(xxii);

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16                   (iv) "Small employer health insurance policy" is  
17 any policy defined by W.S. 26-19-303(a).

18

19           **26-18-302. Sale of health insurance policies approved**  
20 **in other states.**

21

22           (a) The insurance commissioner shall approve for sale  
23 in Wyoming any individual or small employer health  
24 insurance policy or high deductible health plan that is

1 currently approved for issuance in another state where the  
2 insurer or the insurer's affiliate or subsidiary is  
3 authorized to transact insurance, subject to the following:

4  
5 (i) The insurer or the insurer's affiliate or  
6 subsidiary filing and issuing the policy in Wyoming is also  
7 authorized to transact insurance in this state pursuant to  
8 title 26, chapter 3 of the Wyoming statutes;

9  
10 (ii) The policy meets the requirements of this  
11 article;

12  
13 (iii) Any authorized insurer may offer an  
14 individual or small employer insurance policy with benefits  
15 equivalent to those in any policy approved for sale in  
16 Wyoming under this article, provided that the offered  
17 policy meets the requirements of this article.

18  
19 **26-18-303. Financial requirements; continuing**  
20 **compliance.**

21  
22 (a) Any insurer selling a health insurance policy  
23 pursuant to this article and any policy approved pursuant  
24 to this article shall satisfy actuarial standards of the

1 National Association of Insurance Commissioners, the  
2 requirements of this article and any regulations of the  
3 department implementing this article.

4

5 (b) The commissioner shall determine whether an  
6 insurer satisfies the requirements of this article and  
7 shall expeditiously approve policies and plans that comply  
8 with this article. The commissioner shall have the  
9 authority to determine whether a health insurance policy or  
10 plan sold pursuant to this article continues to satisfy the  
11 requirements of this article in the same manner as for  
12 other policies under this code. The commissioner shall have  
13 the authority to require an insurer to participate in the  
14 Wyoming health insurance pool and to make other payments  
15 required of insurers under this code.

16

17 (c) Any policy sold pursuant to this article shall be  
18 protected under the Wyoming Life and Health Guaranty  
19 Association Act under Chapter 42 of this title.

20

21 **26-18-304. Disclaimers required.**

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1           (a) Each written application for a policy sold  
2 pursuant to this article shall contain the following  
3 language in boldface type at the beginning of the document:

4  
5           The benefits of this policy may primarily be  
6 governed by the laws of a state other than  
7 Wyoming. All of the laws applicable to policies  
8 filed in this state may not apply to this policy.  
9 Any purchase of individual health insurance  
10 should be considered carefully since future  
11 medical conditions may make it impossible to  
12 qualify for another individual health insurance  
13 policy.

14  
15           (b) Each policy sold pursuant to this article shall  
16 contain the following language in boldface type at the  
17 beginning of the document:

18  
19           The benefits of this policy may be governed  
20 primarily by the laws of a state other than  
21 Wyoming. The benefits covered may be different  
22 from other policies you can purchase in this  
23 state. Consult your insurance agent or insurer

1 to determine which health benefits are covered  
2 under this policy.

3

4 (c) If a benefit under the out-of-state policy or a  
5 similarly named benefit is defined differently under  
6 Wyoming statutes and regulations than it is in the other  
7 state, the policy shall contain a side-by-side chart that  
8 compares Wyoming's and the other state's respective  
9 definitions.

10

11 **26-18-305. Rules and regulations.**

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13 (a) The commissioner shall adopt rules and  
14 regulations necessary to implement this article, including  
15 the issuance of standard forms for the disclosure of  
16 benefits.

17

18 (b) Any dispute resolution mechanism or provision for  
19 notice and hearing in this code shall apply to insurers  
20 issuing and delivering policies pursuant to this article.

21

22 **26-18-306. Conflict with other code provisions.**

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1 If the provisions of this article conflict with any other  
2 provision of this code, the provisions of this article  
3 shall control.

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5 **26-18-307. Authorization date.**

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7 No policy shall be issued or delivered for issuance in this  
8 state pursuant to this article before July 1, 2013.

9

10 **Section 2.** W.S. 26-18-201 through 26-18-208 are  
11 repealed.

12

13 **Section 3.** This act is effective July 1, 2013.

14

15 (END)