

Senate File 2349

H-8288

1 Amend Senate File 2349, as passed by the Senate, as follows:

2 1. By striking everything after the enacting clause and  
3 inserting:

4 <Section 1. Section 507A.4, subsection 9, Code 2018, is  
5 amended to read as follows:

6 9. a. Transactions involving a multiple employer welfare  
7 arrangement, as defined in section 3 of the federal Employee  
8 Retirement Income Security Act of 1974, 29 U.S.C. §1002,  
9 paragraph 40, if the multiple employer welfare arrangement  
10 meets all of the following conditions:

11 (1) The arrangement is administered by an authorized  
12 insurer or an authorized third-party administrator.

13 ~~(2) The arrangement has been in existence and provided~~  
14 ~~health insurance in Iowa for at least five years prior to July~~  
15 ~~1, 1997.~~

16 ~~(3)~~ (2) The arrangement ~~was~~ is established by a trade,  
17 industry, or professional association of employers that  
18 has a constitution or bylaws, and ~~has been~~ is organized and  
19 maintained in good faith ~~for at least ten continuous years~~  
20 ~~prior to July 1, 1997~~ with membership stability as defined by  
21 rules adopted by the commissioner.

22 ~~(4)~~ (3) The arrangement registers with and obtains  
23 and maintains a certificate of registration issued by the  
24 commissioner ~~of insurance.~~

25 ~~(5)~~ (4) The arrangement is subject to the jurisdiction  
26 of the commissioner ~~of insurance, including regulatory~~  
27 ~~oversight~~ and complies with all rules and solvency standards as  
28 established ~~by rules adopted by the commissioner of insurance~~  
29 pursuant to [chapter 17A](#).

30 b. A multiple employer welfare arrangement ~~registered with~~  
31 ~~the commissioner of insurance~~ that does not meet the solvency  
32 ~~standards~~ requirements established by ~~rule adopted by the~~  
33 ~~commissioner of insurance~~ is pursuant to chapter 17A shall be  
34 subject to [chapter 507C](#).

35 c. A multiple employer welfare arrangement that meets all

1 of the conditions of paragraph "a" shall not be considered any  
2 of the following:

3 (1) An insurance company or association of any kind or  
4 character under [section 432.1](#).

5 (2) A member of the Iowa individual health benefit  
6 reinsurance association under [section 513C.10](#).

7 (3) A member insurer of the Iowa life and health insurance  
8 guaranty association under [section 508C.5, subsection 12](#).

9 *d.* A multiple employer welfare arrangement registered with  
10 the commissioner ~~of insurance~~ shall file with the commissioner  
11 ~~of insurance~~ on or before March 1 of each year a copy of the  
12 report required to be filed by the multiple employer welfare  
13 arrangement with the United States department of labor pursuant  
14 to 29 C.F.R. §2520.101-2. A newly formed multiple employer  
15 welfare arrangement shall file with the commissioner a copy  
16 of the report required to be filed pursuant to 29 C.F.R.  
17 §2520.101-2 by a newly formed multiple employer welfare  
18 arrangement with the United States department of labor thirty  
19 days prior to operating in any state. The copy shall be filed  
20 with the commissioner within thirty calendar days of the date  
21 that the multiple employer welfare arrangement files the report  
22 with the United States department of labor.

23 *e.* ~~When not otherwise provided, a~~ A foreign or domestic  
24 multiple employer welfare arrangement doing business in this  
25 state shall pay ~~to the commissioner of insurance~~ the fees  
26 ~~as required in pursuant to~~ [section 511.24](#) unless otherwise  
27 provided by law.

28 Sec. 2. Section 509.1, Code 2018, is amended by adding the  
29 following new subsection:

30 NEW SUBSECTION. 8A. A policy of group health insurance  
31 coverage issued to an associated health plan pursuant  
32 to section 513D.1 that is subject to regulation by the  
33 commissioner.

34 Sec. 3. Section 509.1, subsection 9, unnumbered paragraph  
35 1, Code 2018, is amended to read as follows:

1 A policy issued to a resident of this state under a group  
2 life, accident, or health insurance policy issued to a group  
3 other than one described in subsections 1 through & 8A, subject  
4 to the following requirements:

5 Sec. 4. NEW SECTION. **513D.1 Association health plans.**

6 The commissioner shall adopt rules that allow for the  
7 creation of association health plans that are consistent with  
8 the United States department of labor's regulations in 29  
9 C.F.R. pt. 2510.

10 Sec. 5. NEW SECTION. **513D.2 Rules and enforcement.**

11 1. The commissioner shall adopt rules, as necessary,  
12 pursuant to chapter 17A to administer this chapter.

13 2. The commissioner may take any enforcement action under  
14 the commissioner's authority to enforce compliance with this  
15 chapter.>

---

LANDON of Polk