

FIRST REGULAR SESSION

SENATE BILL NO. 309

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHAAF.

Read 1st time February 13, 2013, and ordered printed.

TERRY L. SPIELER, Secretary.

1513S.02I

AN ACT

To amend chapter 376, RSMo, by adding thereto one new section relating to the operation of health benefit exchanges by certain public benefit corporations.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 376, RSMo, is amended by adding thereto one new
2 section, to be known as section 376.1189, to read as follows:

**376.1189. 1. Notwithstanding any provision of the law to the
2 contrary, no public benefit corporation formed, organized, or
3 designated under the provisions of chapter 355 for the purpose of
4 identifying and addressing the health care needs of uninsured and
5 underinsured Missourians, providing grants to individuals and
6 organizations for health care and health insurance programs,
7 conducting or engaging in programs and services designed to improve
8 public health, or otherwise has the promotion of public health as its
9 principal purpose or mission shall enter into any agreement or any
10 obligation to establish, administer, or operate a state-based health
11 benefit exchange nor a federally facilitated health benefit exchange;
12 nor shall such public benefit corporation perform any operations or
13 functions related to the administration of such exchanges.**

**14 2. A violation of subsection 1 of this section shall constitute
15 grounds for administrative dissolution under section 355.706. If a
16 public benefit corporation described in subsection 1 of this section
17 enters into an agreement with a state-based health benefit exchange or
18 a federally facilitated health benefit exchange or performs any
19 operations or functions relating to the administration of such
20 exchanges, then the secretary of state shall commence a procedure
21 under section 355.711 to administratively dissolve such public benefit**

22 corporation.

23 3. As used in this section, the term "state-based health benefit
24 exchange" means a governmental agency or nonprofit entity established
25 by the state of Missouri and not the federal government that meets the
26 applicable requirements of Section 1311 of the federal Health Care Act
27 and regulations promulgated thereto and makes qualified health care
28 plans available to qualified individuals and qualified employers. The
29 term "state-based health benefit exchange" includes regional or other
30 interstate exchanges and subsidiary exchanges as described in Section
31 1311(f)(1) and (2) of the federal Health Care Act. The term "federally
32 facilitated health benefit exchange" means a health benefit exchange
33 established and operated by the Secretary of Health and Human
34 Services under Section 1321(c)(1) of the federal Health Care Act, either
35 directly or through agreement with a not-for-profit entity. As used in
36 this section, the term "federal Health Care Act" shall mean the federal
37 Patient Protection and Affordable Care Act, Public Law 111-148, as
38 amended by the federal Health Care and Education Reconciliation Act
39 of 2010, Public Law 111-152, and any amendments thereto, or
40 regulations or guidance issued under such federal acts.

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