

ACT 192

H.B. NO. 1520

A Bill for an Act Relating to Insurance.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Chapter 431, Hawaii Revised Statutes, is amended by adding a new section to part VI of article 10A to be appropriately designated and to read as follows:

“§431:10A- Short-term, limited-duration health insurance. (a) No insurer shall issue, renew, or re-enroll an individual in a short-term, limited-duration health insurance policy or contract if the individual was eligible to purchase health insurance through the federal health insurance marketplace during an open enrollment period, as provided by title 45 Code of Federal Regulations section 155.410, or a special enrollment period, as provided by title 45 Code of Federal Regulations section 155.420, in the previous calendar year; provided that any short-term, limited-duration health insurance coverage policy or contract that is delivered or issued for delivery in the State shall have an expiration date in the contract that is less than ninety-one days.

(b) For the purposes of this section:

“Renew or re-enroll” means the issuance of the same or a new short-term, limited-duration health insurance policy or contract to an individual who has been covered by a short-term, limited-duration health insurance policy or contract at any time within the previous calendar year.

“Short-term, limited-duration health insurance” means health insurance coverage provided to an individual under a policy or contract offered by a li-

censed insurer, regardless of the situs of the delivery of the policy or contract, that has a specified, short-term limited duration of less than ninety-one days and does not meet all of the requirements otherwise applicable to individual health insurance.”

SECTION 2. Section 431:10A-102.5, Hawaii Revised Statutes, is amended to read as follows:

“§431:10A-102.5 Limited benefit health insurance. (a) Except as provided in subsection (b) or elsewhere in this article, when used in this article, the terms “accident insurance”, “health insurance”, or “sickness insurance” shall not include an accident-only^[5]; specified disease^[5]; hospital indemnity^[5]; long-term care^[5]; disability^[5]; dental^[5]; vision^[5]; medicare supplement^[5]; short-term, limited-duration health insurance; or other limited benefit health insurance contract that pays benefits directly to the insured or the insured’s assigns and in which the amount of the benefit paid is not based upon the actual costs incurred by the insured.

(b) When used in sections 431:10A-104, 431:10A-105, 431:10A-106, 431:10A-107, 431:10A-108, 431:10A-109, 431:10A-110, 431:10A-111, 431:10A-112, 431:10A-113, 431:10A-114, 431:10A-117, 431:10A-118, 431:10A-601, 431:10A-602, 431:10A-603, and 431:10A-604, except as otherwise provided, the terms “accident insurance”, “accident and health or sickness insurance”, “health insurance”, or “sickness insurance” shall include an accident-only^[5]; specified disease^[5]; hospital indemnity^[5]; long-term care^[5]; disability^[5]; dental^[5]; vision^[5]; medicare supplement^[5]; short-term, limited-duration health insurance; or other limited benefit health insurance contract regardless of the manner in which benefits are paid; provided that if any of the requirements set forth in the foregoing sections as applied to long-term care insurance conflict with the provisions of article 10H, the provisions of article 10H shall govern and control.”

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.¹

SECTION 4. This Act shall take effect upon its approval.

(Approved July 10, 2018.)

Note

1. Edited pursuant to HRS §23G-16.5.