

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 838 Session of 2009

INTRODUCED BY LONGIETTI, EACHUS, CALTAGIRONE, CARROLL, COHEN, DeLUCA, DONATUCCI, FRANKEL, GALLOWAY, GEORGE, GIBBONS, HENNESSEY, JOSEPHS, KORTZ, KOTIK, MANDERINO, MUNDY, MURT, M. O'BRIEN, READSHAW, SIPTROTH, K. SMITH, WALKO, WHEATLEY AND YOUNGBLOOD, MARCH 10, 2009

REFERRED TO COMMITTEE ON INSURANCE, MARCH 10, 2009

AN ACT

1 Amending the act of May 17, 1921 (P.L.682, No.284), entitled "An
2 act relating to insurance; amending, revising, and
3 consolidating the law providing for the incorporation of
4 insurance companies, and the regulation, supervision, and
5 protection of home and foreign insurance companies, Lloyds
6 associations, reciprocal and inter-insurance exchanges, and
7 fire insurance rating bureaus, and the regulation and
8 supervision of insurance carried by such companies,
9 associations, and exchanges, including insurance carried by
10 the State Workmen's Insurance Fund; providing penalties; and
11 repealing existing laws," further providing for conditions
12 subject to which policies are to be issued; and providing for
13 health insurance coverage for certain children of insured
14 parents.

15 The General Assembly of the Commonwealth of Pennsylvania
16 hereby enacts as follows:

17 Section 1. Section 617(A) (3) and (9) of the act of May 17,
18 1921 (P.L.682, No.284), known as The Insurance Company Law of
19 1921, repealed and added May 25, 1951 (P.L.417, No.99) and added
20 January 18, 1968 (1967 P.L.969, No.433), are amended to read:

21 Section 617. Conditions Subject to Which Policies Are to Be
22 Issued.--(A) No such policy shall be delivered or issued for

1 delivery to any person in this Commonwealth unless:

2 * * *

3 (3) it purports to insure only one person, except that a
4 policy may insure, originally or by subsequent amendment, upon
5 the application of an adult head of a family who shall be deemed
6 the policyholder, any two or more eligible members of that
7 family, including husband, wife, dependent children or any
8 children under a specified age which, except as provided under
9 section 617.1, shall not exceed nineteen years and any other
10 person dependent upon the policyholder; and

11 * * *

12 (9) A policy delivered or issued for delivery after January
13 1, 1968, under which coverage of a dependent of a policyholder
14 terminates at a specified age shall, with respect to an
15 unmarried child covered by the policy prior to the attainment of
16 the age of nineteen or except as provided under section 617.1,
17 the age of twenty-nine, who is incapable of self-sustaining
18 employment by reason of mental retardation or physical handicap
19 and who became so incapable prior to attainment of age nineteen
20 and who is chiefly dependent upon such policyholder for support
21 and maintenance, not so terminate while the policy remains in
22 force and the dependent remains in such condition, if the
23 policyholder has within thirty-one days of such dependent's
24 attainment of the limiting age submitted proof of such
25 dependent's incapacity as described herein. The foregoing
26 provisions of this paragraph shall not require an insurer to
27 insure a dependent who is a mentally retarded or physically
28 handicapped child where the policy is underwritten on evidence
29 of insurability based on health factors set forth in the
30 application or where such dependent does not satisfy the

conditions of the policy as to any requirement for evidence of insurability or other provisions of the policy, satisfaction of which is required for coverage thereunder to take effect. In any such case the terms of the policy shall apply with regard to the coverage or exclusion from coverage of such dependent.

* * *

Section 2. The act is amended by adding a section to read:

Section 617.1. Health Insurance Coverage for Certain Children of Insured Parents.--(A) An insurer that issues, delivers, executes or renews health care insurance in this Commonwealth, under which coverage of a child would otherwise terminate at a specified age, shall, at the option of the child's parent or guardian, provide coverage to a child of the insured beyond that specified age, up through the age of twenty-nine, provided that the child meet all of the following requirements:

(1) Is not married.

(2) Has no dependents.

(3) Is a resident of this Commonwealth or is enrolled as a full-time student at an institution of higher education in this Commonwealth.

(4) Is not covered by another health insurance policy.

(B) An insured may exercise the option provided under subsection (A) at any time during the term of the policy by notice to the insurer.

(C) Employers shall not be required to contribute to any increased premium charged by the insurer for the exercise of the option provided under subsection (A), but the contributions may be agreed to by the employer.

Section 3. This act shall take effect in 60 days.