

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1312 Session of 2010

INTRODUCED BY FOLMER, SCARNATI, MENSCH, ORIE, RAFFERTY,
EICHELBERGER, ARGALL, ERICKSON, SMUCKER, WAUGH, D. WHITE,
ROBBINS, BRUBAKER AND ALLOWAY, APRIL 8, 2010

REFERRED TO BANKING AND INSURANCE, APRIL 8, 2010

AN ACT

1 Amending Title 40 (Insurance) of the Pennsylvania Consolidated
2 Statutes, providing for health insurance coverage not
3 required.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Title 40 of the Pennsylvania Consolidated
7 Statutes is amended by adding a section to read:

8 § 102. Health insurance coverage not required.

9 (a) General.--No resident of this Commonwealth, regardless
10 of whether he has or is eligible for health insurance coverage
11 under any policy or program provided by or through his employer,
12 or a plan sponsored by the Federal Government or the
13 Commonwealth, shall be required to obtain or maintain a policy
14 of individual insurance coverage except as required by a court
15 or the Department of Public Welfare where an individual is named
16 a party in a judicial or administrative proceeding. No provision
17 of any law shall render a resident of this Commonwealth liable
18 for any penalty, assessment, fee or fine as a result of his

1 failure to procure or obtain health insurance coverage.

2 (b) Applicability.--This section shall not apply to:

3 (1) Individuals voluntarily applying for coverage under
4 a State-administered program under Title XIX or XXI of the
5 Social Security Act (49 Stat. 620, 42 U.S.C. § 301 et seq.).

6 (2) Students being required by an institution of higher
7 education to obtain and maintain health insurance as a
8 condition of enrollment.

9 (c) Rights.--Nothing in this section shall impair the rights
10 of persons to privately contract for health insurance for family
11 members or former family members.

12 Section 2. This act shall take effect immediately.