

---

THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

**SENATE BILL**

**No. 869**      Session of  
2005

---

INTRODUCED BY D. WHITE, ROBBINS, RHOADES, JUBELIRER, TOMLINSON,  
WENGER, ORIE, MELLOW, ERICKSON, C. WILLIAMS, RAFFERTY,  
BROWNE, EARLL, WOZNIAK, PILEGGI, LOGAN, PUNT, PIPPY, BOSCOLA,  
TARTAGLIONE, KASUNIC, COSTA, GORDNER, MUSTO, CORMAN, FONTANA,  
STOUT, STACK, WASHINGTON, WONDERLING AND REGOLA,  
SEPTEMBER 19, 2005

---

SENATOR THOMPSON, APPROPRIATIONS, RE-REPORTED AS AMENDED,  
OCTOBER 25, 2005

---

AN ACT

1 Amending Title 51 (Military Affairs) of the Pennsylvania  
2 Consolidated Statutes, providing for extension of health  
3 insurance benefits for certain military personnel who were  
4 full-time students at time of deployment.

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

7 Section 1. Section 7309 of Title 51 of the Pennsylvania  
8 Consolidated Statutes is amended to read:

9 § 7309. Employment discrimination for military membership or  
10 duty.

11 (a) General rule.--It is unlawful for the Commonwealth or  
12 any of its departments, boards, commissions, agencies or any  
13 political subdivision, or for any private employer, to refuse to  
14 hire or employ any individual not on extended active duty  
15 because of his membership in the National Guard or any one of  
16 the other reserve components of the armed forces of the United

1 States, or because he is called or ordered to active State duty  
2 or special State duty by the Governor during an emergency or as  
3 otherwise authorized by law, or because he is called or ordered  
4 to active duty by the Federal Government under provisions of 10  
5 U.S.C. (relating to armed forces) or 32 U.S.C. (relating to  
6 National Guard), or to discharge from employment such  
7 individual, or to otherwise discriminate against such individual  
8 with respect to compensation, hire, tenure, terms, conditions or  
9 privileges of employment because of such membership, or because  
10 he is called or ordered to active State duty by the Governor  
11 during an emergency or because he is called or ordered to other  
12 military duty authorized by law.

13 (b) Reemployment following emergency or other military  
14 duty.--Upon the completion of such emergency or other military  
15 duty any such member of the Pennsylvania National Guard or any  
16 other reserve component of the armed forces of the United States  
17 shall be restored by such public or private employer or his  
18 successor in interest to such position or to a position of like  
19 seniority, status and pay which such member held prior to such  
20 emergency or other military duty, but if any such member is not  
21 qualified to perform the duties of such position by reason of  
22 disability sustained during such emergency or other military  
23 duty but qualified to perform the duties of any other position  
24 in the employ of such private employer or his successor in  
25 interest, such member shall be restored to such other position,  
26 the duties of which he is qualified to perform, as will provide  
27 him like seniority, status and pay, or the nearest approximation  
28 thereof consistent with the circumstances of the case, unless  
29 such public or private employer's or his successor in interests,  
30 circumstances have so changed as to make it impossible or

1 unreasonable to do so.

2 (c) Extension of benefits during military duty.--Whenever a  
3 member of the Pennsylvania National Guard is called or ordered  
4 into active Federal service or active State duty under orders  
5 authorized by law or a member of any reserve component is called  
6 or ordered onto active duty, other than active duty for  
7 training, the public or private employer of the member shall, at  
8 no cost to the member, continue health insurance and other  
9 benefits in effect for at least the first 30 days of the  
10 military duty. After the expiration of the first 30 days, the  
11 public or private employer shall give the member of the National  
12 Guard or other reserve component the voluntary option of  
13 continuing such health insurance and other benefits in effect at  
14 his own expense by paying for the insurance or benefits at the  
15 same rates paid by the employer, and the insurance coverage  
16 shall continue, except for injuries incurred in the line of  
17 military duty.

18 (d) Termination of certain health insurance benefits.--

19 (1) As used in this subsection, the term "eligible  
20 member" applies to full-time students, who are eligible for  
21 health insurance coverage under their parents' health  
22 insurance policies, when the students are:

23 (i) members of the Pennsylvania National Guard or  
24 any reserve component of the armed forces of the United  
25 States who are called or ordered to active duty, other  
26 than active duty for training, for a period of 30 or more  
27 consecutive days; or

28 (ii) members of the Pennsylvania National Guard  
29 ordered to active State duty, including duty under 35  
30 Pa.C.S. Ch. 76 (relating to Emergency Management

1 Assistance Compact), for a period of 30 or more  
2 consecutive days.

3 (2) As used in this subsection, the term "full-time  
4 student" shall have the same meaning set forth in Chapter 32  
5 (relating to Educational Assistance Program).

6 (3) The eligibility for health insurance coverage under  
7 a parent's health insurance policy for eligible members as  
8 defined in paragraph (1) shall be extended for a period equal  
9 to the duration of the eligible member's service on active  
10 duty or active State duty or until the eligible member is no  
11 longer a full-time student. The eligibility of an eligible  
12 member who is a full-time student for health insurance  
13 coverage under a parent's policy shall not terminate because  
14 of the age of the eligible member when the member's  
15 educational program was interrupted because of military duty.

16 (4) In order to qualify for this extension, the eligible  
17 member must:

18 (i) Submit a form approved by the Department of  
19 Military and Veterans Affairs notifying the insurer that  
20 the eligible member has been placed on active duty.

21 (ii) Submit a form approved by the Department of  
22 Military and Veterans Affairs notifying the insurer that  
23 the eligible member is no longer on active duty.

24 (iii) Submit a form approved by the Department of  
25 Military and Veterans Affairs showing that the student  
26 has reenrolled as a full-time student for the first term  
27 or semester starting 60 OR MORE DAYS after his or her ←  
28 release from active duty.

29 (5) Nothing in this act shall preclude the voluntary  
30 option of continuing a health insurance policy and other

1 benefits in effect at the eligible member's own expense by  
2 paying for the insurance or benefits at the same rates paid  
3 by the employer, and the insurance coverage shall continue,  
4 except for injuries incurred in the line of military duty, as  
5 set forth in section 7309(c) (relating to employment  
6 discrimination for military membership or duty).

7 (6) The provisions of this subsection shall not apply to  
8 a health insurance policy that has been terminated.

9 (e) Definitions.--As used in this section, the following  
10 words and phrases shall have the meanings given to them in this  
11 subsection:

12 "Health insurance policy." An individual or group health,  
13 sickness or accident policy or subscriber contract or  
14 certificate issued by an entity subject to any one of the  
15 following:

16 (1) The act of May 17, 1921 (P.L.682, No.284), known as  
17 The Insurance Company Law of 1921.

18 (2) The act of December 29, 1972 (P.L.1701, No.364),  
19 known as the Health Maintenance Organization Act.

20 (3) The act of May 18, 1976 (P.L.123, No.54), known as  
21 the Individual Accident and Sickness Insurance Minimum  
22 Standards Act.

23 (4) 40 Pa.C.S. Ch. 61 (relating to hospital plan  
24 corporations) or 63 (relating to professional health services  
25 plan corporations).

26 Section 2. This act shall take effect in 60 days.