

---

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

---

AS REPORTED FROM COMMITTEE ON VETERANS' AFFAIRS AND EMERGENCY  
PREPAREDNESS, HOUSE OF REPRESENTATIVES, AS AMENDED,  
DECEMBER 6, 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

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

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

1 circumstances have so changed as to make it impossible or  
2 unreasonable to do so.

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

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

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

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

29 (ii) members of the Pennsylvania National Guard  
30 ordered to active State duty, including duty under 35

1 Pa.C.S. Ch. 76 (relating to Emergency Management  
2 Assistance Compact), for a period of 30 or more  
3 consecutive days.

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

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

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

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

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

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

30 ~~(5) Nothing in this act shall preclude the voluntary~~

<—

~~option of continuing a health insurance policy and other  
benefits in effect at the eligible member's own expense by  
paying for the insurance or benefits at the same rates paid  
by the employer, and the insurance coverage shall continue,  
except for injuries incurred in the line of military duty, as  
set forth in section 7309(c) (relating to employment  
discrimination for military membership or duty).~~

~~(6)~~ (5) The provisions of this subsection shall not  
apply to a health insurance policy that has been terminated.

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

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

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

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

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

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

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