
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 53 Session of 2021

INTRODUCED BY SANTARSIERO, BROOKS, HUGHES, FONTANA, TARTAGLIONE,
COLLETT, BREWSTER, KANE AND COMITTA, APRIL 9, 2021

REFERRED TO BANKING AND INSURANCE, APRIL 9, 2021

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," in casualty insurance, further
12 providing for conditions subject to which policies are to be
13 issued and for health insurance coverage for certain children
14 of insured parents.

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

17 Section 1. Sections 617(A)(3) and (9) and 617.1 of the act
18 of May 17, 1921 (P.L.682, No.284), known as The Insurance
19 Company Law of 1921, are amended to read:

20 Section 617. Conditions Subject to Which Policies Are to Be
21 Issued.--(A) No such policy shall be delivered or issued for
22 delivery to any person in this Commonwealth unless:

23 * * *

24 (3) it purports to insure only one person, except that a

1 policy may insure, originally or by subsequent amendment, upon
2 the application of an adult head of a family who shall be deemed
3 the policyholder, any two or more eligible members of that
4 family, including husband, wife, dependent children or any
5 children under a specified age which[, except as provided under
6 section 617.1, shall not exceed nineteen] shall be at least
7 twenty-six years, and any other person dependent upon the
8 policyholder; and

9 * * *

10 (9) A policy delivered or issued for delivery after January
11 1, 1968, under which coverage of a dependent of a policyholder
12 terminates at a specified age shall, with respect to an
13 unmarried child covered by the policy prior to the attainment of
14 the age of [nineteen] twenty-six who is incapable of self-
15 sustaining employment by reason of [mental retardation or
16 physical handicap] an intellectual or physical disability and
17 who became so incapable prior to attainment of age [nineteen]
18 twenty-six and who is chiefly dependent upon such policyholder
19 for support and maintenance, not so terminate while the policy
20 remains in force and the dependent remains in such condition, if
21 the policyholder has within thirty-one days of such dependent's
22 attainment of the limiting age submitted proof of such
23 dependent's incapacity as described herein. The foregoing
24 provisions of this paragraph shall not require an insurer to
25 insure a dependent who [is a mentally retarded or physically
26 handicapped child] has an intellectual or physical disability
27 where the policy is underwritten on evidence of insurability
28 based on health factors set forth in the application or where
29 such dependent does not satisfy the conditions of the policy as
30 to any requirement for evidence of insurability or other

1 provisions of the policy, satisfaction of which is required for
2 coverage thereunder to take effect. In any such case the terms
3 of the policy shall apply with regard to the coverage or
4 exclusion from coverage of such dependent.

5 * * *

6 Section 617.1. Health Insurance Coverage for Certain
7 Children of Insured Parents.--(A) (1) A health insurance
8 policy offered, issued or renewed in this Commonwealth that
9 provides dependent coverage of children shall continue to make
10 such coverage available for an adult child who has not attained
11 the age of 26 prior to the date of issuance or renewal.

12 (2) With respect to a child who has not attained the age of
13 26, a health insurance policy:

14 (i) May define dependent for purposes of eligibility for
15 dependent coverage of children in terms of a relationship
16 between the child and the policyholder or certificate holder,
17 including as described in section 152(f)(1) of the Internal
18 Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 152(f)(1)).

19 (ii) May not deny or restrict dependent coverage based on
20 any of the following or any combination of the following:

21 (a) The presence or absence of the child's financial
22 dependency on any other person.

23 (b) The residency of the child, whether by location,
24 including service area, or by residency with any other person.

25 (c) The marital status of the child.

26 (d) The child's enrollment in an academic or vocational
27 educational institution.

28 (e) The child's employment status.

29 (3) A health insurance policy providing dependent coverage
30 of children may deny or limit coverage, or impose additional

1 conditions for coverage, for individuals not described in
2 section 152(f)(1) of the Internal Revenue Code of 1986.

3 (4) The terms of a health insurance policy providing
4 dependent coverage of children pursuant to this subsection may
5 not vary based on age.

6 (B) (1) An insurer that issues, delivers, executes or
7 renews a group health [care] insurance policy in this
8 Commonwealth under which coverage of a child would otherwise
9 terminate at a specified age shall, at the option of the
10 policyholder, provide coverage to a child of an insured employe
11 beyond that specified age, up through and including the age of
12 29, at the insured employe's expense, and provided that the
13 child meet all of the following requirements:

14 [(1)] (i) Is not married.

15 [(2)] (ii) Has no dependents.

16 [(3)] (iii) Is a resident of this Commonwealth or is
17 enrolled as a full-time student at an institution of higher
18 education.

19 [(4)] (iv) Is not provided coverage as a named subscriber,
20 insured, enrollee or covered person under any other group or
21 individual health insurance policy or enrolled in or entitled to
22 benefits under any government health care benefits program,
23 including benefits under Title XVIII of the Social Security Act
24 (49 Stat. 620, 42 U.S.C. § 1395 et seq.).

25 [(B)] (2) Insurers may determine increases in premiums
26 related to continuation of coverage for the adult dependent
27 [past the limiting age of nineteen] 26 years of age or older.

28 (C) This section shall not include the following types of
29 insurance or any combination thereof:

30 (1) Hospital indemnity.

- 1 (2) Accident.
- 2 (3) Specified disease.
- 3 (4) Disability income.
- 4 (5) Dental.
- 5 (6) Vision.
- 6 (7) Civilian Health and Medical Program of the Uniformed
- 7 Services (CHAMPUS) supplement.
- 8 (8) Medicare supplement.
- 9 (9) Long-term care.
- 10 (10) Other limited benefit plans.

11 [(11) Individual health insurance policies.]

12 (D) For the purpose of this section:

13 "Health [care] insurance policy" means a [group] health,
14 sickness or accident policy or subscriber contract or
15 certificate issued by an entity subject to any one of the
16 following:

17 (1) This act, including section 630.

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

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

27 Section 2. The amendment of sections 617(A) (3) and (9) and
28 617.1 of the act shall apply to health insurance policies
29 offered, issued or renewed on or after the effective date of
30 this section.

1 Section 3. All acts and parts of acts are repealed insofar
2 as they are inconsistent with this act.

3 Section 4. This act shall take effect in 90 days.