

SECTION 1332 WAIVERS STATE LEGISLATION



Updated October 25, 2019

* *Overview.* The below survey attempts to offer a comprehensive look at the state legislative activity on issues related to Section 1332 Waivers.

* *Legend.* The bills included below are color coded based on their status throughout the legislative session:

- **BLUE** - Legislation Enacted or at the Governor's Desk
- **YELLOW** - Legislation Moving Through Either Chamber
- **GREY** - Legislature Has Adjourned or the Legislation Has Otherwise Failed

More specific procedural updates are available through the links provided, but will not be reflected in the chart.

* The descriptions of the legislation provided offer a broad overview. If there is a particular bill for which you would like additional information, please let us know.

State	Legislation	Status	Overview
Arizona	HB 2621	Introduced ADJOURNED	Requires the DOI to contract with a qualified health care consultant/actuary to conduct a study regarding establishing a reinsurance program using a state innovation waiver.
California	AB 1063	Introduced ADJOURNED	Requires the Exchange to obtain statutory authority from the legislature before seeking a state innovation waiver.
Colorado	SB 4	Enacted	Authorizes the Commissioner to apply for a 1332 waiver to allow health care cooperatives in Colorado to incorporate consumer protections and to encourage consumers to help control health care costs by negotiating rates on a collective basis directly with providers.
Colorado	HB 1168	Enacted	Requires the Commissioner of Insurance to apply for a 5-year state innovation waiver to implement and operate a reinsurance program; federal funds for the reinsurance program; or both (a state innovation waiver and federal funds).
Connecticut	SB 136	Introduced ADJOURNED	Establishes a state-operated reinsurance program and requires the state to apply for a state innovation waiver to fund the program to meet the requirements of a 1332 waiver.
Connecticut	SB 325	Introduced ADJOURNED	Requires the state to apply for a state innovation waiver to establish a reinsurance pool.
Delaware	SCR 6	Passed Senate & House (no further action required)	Urges the Governor and Secretary of the Department of Health and Human Services to apply for a 1332 waiver to create a program fund to provide capital to operate and administer a reinsurance program.
Delaware	HB 193	Enacted	Establishes the Delaware Health Insurance Individual Market Stabilization Reinsurance Program & Fund to provide reinsurance to health insurance carriers that offer individual health benefit plans.
Georgia	SB 106	Enacted	Authorizes the Governor to submit 1332 waiver applications with respect to health insurance coverage or health insurance products.
Illinois	SB 2026	Enacted	Prohibits the state from applying for federal waivers that would reduce or eliminate protection or coverage offered under the ACA.
Maryland	HB 1098	Enacted	Requires the Exchange--in consultation with the Commissioner--to submit a state innovation waiver to allow the state to administer state-based tax credit assistance to small businesses for monthly premium payments.
Maryland	HB 806	Withdrawn	Requires the Maryland Health Benefit Exchange to apply for a 1332 waiver to make copper plans available to certain individuals in the state.
Massachusetts	S 735	Introduced	Authorizes the exchange to seek an innovation waiver to fund a program that offers an annual subsidy of up to 50% of eligible employer health care costs for eligible small groups participating in the program.
Minnesota	HF 1769/SF 1128/HB 1200	Introduced ADJOURNED	Requests a 1332 waiver for the establishment and operation of the Minnesota Health Plan (i.e., the state's single-payer proposal).
Minnesota	SF 1125/SF 1127/SF 1128/SF 1129	Introduced ADJOURNED	Requires the Board conduct necessary actuarial and economic analyses that a potential 1332 waiver will comply with comprehensive health coverage as defined by the Minnesota Health Plan.
Missouri	SB 414	Vetoed ADJOURNED	Establishes a Missouri Health Insurance Innovation Task Force to solicit concepts on forms of innovation in the health insurance marketplace that would qualify for a state 1332 waiver, among other things.

Missouri	HB 449	Introduced	ADJOURNED	Authorizes the DOI to apply for a state innovation waiver to implement the Missouri reinsurance plan for benefit years beginning in 2020, among other things.
Missouri	HB 313	Introduced	ADJOURNED	Requires the Director of Insurance to apply for a state innovation waiver to implement the Premium Security Plan (i.e., the state-based reinsurance program), among other things.
Missouri	HB 187	Introduced	ADJOURNED	Requires the DOI to apply for a state innovation waiver to (1) allow the DOI to enter into a contract with one or more insurers to provide coverage who enroll in the Missouri care plan; <u>and</u> (2) allow a person who is found to be eligible for advance payments of the premium tax credit and cost-sharing reductions to use such credits/reductions to purchase coverage through the Missouri care plan.
Missouri	HB 1030	Passed House	ADJOURNED	Authorizes the DOI to work with the state's would-be health insurance innovation task force and CMS to develop innovative ways to transform the health insurance markets and submit applications for 1332 waivers; requires the task force to submit an application for a 1332 waiver based on its recommendations, among other things.
Missouri	SB 99	Introduced	ADJOURNED	Authorizes the Director to apply for a state innovation waive to implement a state reinsurance plan beginning in 2020; establishes a nonprofit entity known as the Missouri Health Insurance Reinsurance Pool of which all health insurers in the state and insurance arrangements providing health plan benefits are a part.
Montana	SB 125	Enacted		Establishes the Montana Reinsurance Association to stabilize the individual health insurance market, contingent on approval of a 1332 innovation waiver.
Nebraska	LB 556	Enacted		Requires the Department of Insurance to notify certain members of the legislature before submitting a request for or application to CMS for a state innovation waiver.
New Hampshire	HB 4	Enacted		Authorizes the Commissioner to apply for a 1332 waiver to create a risk sharing or reinsurance mechanism for the individual health insurance market.
New Mexico	HB 436	Enacted		Authorizes the Superintendent of Insurance to submit a state innovation waiver to establish a program relating to access and affordability of health insurance coverage.
North Dakota	HB 1106	Enacted		Authorizes the Commissioner to develop a proposal for a 1332 innovation waiver to establish an invisible reinsurance pool for the individual health insurance market.
Oregon	HB 2010	Enacted		Directs the Department of Consumer and Business Services to apply for state insurance waivers in order to receive funding to continue implementing the state's reinsurance program.
Tennessee	SB 974/HB 1094	Introduced	ADJOURNED	Directs the Finance and Administration Commissioner to seek federal waivers to allow residents ages 55+ to buy into the state Medicare program and to make the plan available for purchase throughout the federally facilitated health insurance exchange, among other things.
Texas	SB 1087	Introduced	ADJOURNED	Authorizes the Commissioner of Insurance to apply for a 1332 waiver related to the creation of a health insurance risk pool for certain health benefit plan enrollees, among other things.
Vermont	HB 445	Introduced	ADJOURNED	Requires HHS to develop a proposal to lower premium costs for state residents who are not eligible for premium assistance; states that the proposal must address any need for, and feasibility of, obtaining a section 1332 waiver.
Virginia	SB 1027/HB 2260	Vetoed	ADJOURNED	Requires the Commissioner of Insurance to apply for a state innovation waiver, waiving the eligibility restrictions under federal law for individuals eligible for catastrophic plans offered on the individual market.
Virginia	SB 1717	Passed Senate; Referred to House	ADJOURNED	Creates a nonprofit corporation to establish, implement, and administer the Commonwealth Care Health Benefits Program to sell/offer for sale of individual health insurance coverage through qualifying association health plans (contingent on the approval of a 1332 innovation waiver by HHS).
Virginia	SB 845	Introduced	ADJOURNED	Requires the Commissioner of Insurance to apply for a state innovation waiver to implement the Premium Security Plan (i.e., the state-based reinsurance program), among other things.
Wyoming	HB 194	Enacted		Authorizes the Department of Health to apply for a 1332 waiver as it relates to air ambulance transport services, among other things.
Wyoming	HB 85	Passed House; Referred to Senate	ADJOURNED	Authorizes the Commissioner to submit a state innovation waiver application by July 1, 2019; creates a state health reinsurance program funded by state and federal appropriations.