AN ACT

ENTITLED, An Act to revise health plan coverage requirements for newborns and newly adopted children.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That § 58-17-30.3 be amended to read as follows:

58-17-30.3. The coverage for a newly born child from the moment of birth or for a newly adopted child, from the beginning of the six-month adoption bonding period, shall consist of coverage of injury or sickness including the necessary care and treatment of premature birth and medically diagnosed congenital defects and birth abnormalities. The coverage required by this section applies to any subsequent health benefit plan that is purchased providing coverage for that newly born or newly adopted child if application for the subsequent coverage is made within sixty-three days of the termination of the prior coverage and if the coverage is issued pursuant to § 58-17-85. The provisions of §§ 58-17-30.2 to 58-17-30.4, inclusive, apply to any individually written health benefit plan issued or renewed by any health insurer, health carrier, health maintenance organization, fraternal benefit society, nonprofit medical and surgical plan, nonprofit hospital service plan, or other entity providing coverage through a health benefit plan subject to the provisions of this title.

Section 2. That § 58-18-33 be amended to read as follows:

58-18-33. The coverage for a newly born child from the moment of birth or for a newly adopted child, from the beginning of the six-month adoption bonding period, shall consist of coverage of injury or sickness including the necessary care and treatment of premature birth and medically diagnosed congenital defects and birth abnormalities. The coverage required by this section applies to any subsequent health benefit plan that is purchased providing coverage for that newly born or newly adopted child if application for the subsequent coverage is made within sixty-three days of the termination of the prior coverage. The provisions of §§ 58-18-32 to 58-18-34, inclusive, apply to any

group health benefit plan issued or renewed by any health insurer, health carrier, health maintenance organization, fraternal benefit society, nonprofit medical and surgical plan, nonprofit hospital service plan, or other entity providing coverage through a health benefit plan subject to the provisions of this title.

Section 3. That § 58-33-85 be amended to read as follows:

58-33-85. Any insurer subject to this chapter, including any group health plan, as defined in section 607(1) of the Employee Retirement Income Security Act of 1974, as amended to January 1, 1994, who are engaged in the business of health insurance is prohibited from denying enrollment of a dependent child under the health insurance coverage of either the child's natural, adoptive, or stepparents for any of the following reasons:

(1) The child was born out of wedlock; or

(2) The child is not claimed as a dependent on the parent's federal income tax return; or

(3) The child does not reside with the parent or in the insurer's service area.

Section 4. That § 58-38-11.7 be repealed.

Section 5. That § 58-38-11.8 be repealed.

Section 6. That § 58-38-11.9 be repealed.

Section 7. That § 58-40-10.7 be repealed.

Section 8. That § 58-40-10.8 be repealed.

Section 9. That § 58-40-10.9 be repealed.

Section 10. That § 58-41-35.2 be repealed.

Section 11. That § 58-41-35.3 be repealed.

Section 12. That § 58-41-35.4 be repealed.

An Act to revise health plan coverage requirements for newborns and newly adopted children.

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  I certify that the attached Act
originated in the

SENATE as Bill No. 38

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              Secretary of the Senate
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              President of the Senate

Attest:

_____
              Secretary of the Senate

_____
              Speaker of the House

Attest:

_____
              Chief Clerk

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  Received at this Executive Office
this _____ day of _____ ,

20_____ at _____ M.

By _____
                          for the Governor
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  The attached Act is hereby
approved this _____ day of
_____ , A.D., 20____

_____
                          Governor
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STATE OF SOUTH DAKOTA,
                                    ss.
Office of the Secretary of State

  Filed _____ , 20____
at _____ o'clock ___ M.

_____
              Secretary of State

By _____
              Asst. Secretary of State

Senate Bill No. 38
File No. _____
Chapter No. _____