

State of South Dakota

EIGHTY-SECOND SESSION LEGISLATIVE ASSEMBLY, 2007

400N0307

SENATE BILL NO. 108

Introduced by: The Committee on Commerce at the request of the Office of the Governor

1 FOR AN ACT ENTITLED, An Act to provide for the continuation of certain health insurance
2 coverage for dependents.

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

4 Section 1. That § 58-17-2.3 be amended to read as follows:

5 58-17-2.3. No insurer or health carrier issuing a health benefit plan that provides dependent
6 coverage for any qualifying child, as defined by rules promulgated pursuant to § 58-17-87, may
7 terminate coverage due to attainment of a limiting age below age nineteen, or, if a full-time
8 student in an accredited institution of higher learning as of the close of the calendar year, below
9 age twenty-four. If the dependent remains a full-time student upon attaining the age of twenty-
10 four but not exceeding the age of twenty-nine, the insurer shall provide for the continuation of
11 coverage for that dependent at the insured's option. However, the provisions of this section do
12 not apply to any qualifying relative, as defined by rules promulgated pursuant to § 58-17-87,
13 whose gross income is less than the exemption amount as prescribed by the director by rules
14 promulgated pursuant to chapter 1-26. Continuation of coverage for full-time students attaining
15 the age of twenty-four is not required if the dependent has other creditable coverage in force nor
16 required for any full-time students who attained the age of twenty-four prior to July 1, 2007.



1 Section 2. That § 58-18-31.1 be amended to read as follows:

2 58-18-31.1. No insurer or health carrier issuing a health benefit plan that provides dependent
3 coverage for any qualifying child, as defined by rules promulgated pursuant to § 58-18-79, may
4 terminate coverage due to attainment of a limiting age below age nineteen, or, if a full-time
5 student in an accredited institution of higher learning as of the close of the calendar year, below
6 age twenty-four. If the dependent remains a full-time student upon attaining the age of twenty-
7 four but not exceeding the age of twenty-nine, the insurer shall provide for the continuation of
8 coverage for that dependent at the insured's option. Nothing in this Act requires the employer
9 to contribute any portion of the premium for dependents that are full-time students and have
10 attained the age of twenty-four. However, the provisions of this section do not apply to any
11 qualifying relative, as defined by rules promulgated pursuant to § 58-18-79, whose gross income
12 is less than the exemption amount as prescribed by the director by rules promulgated pursuant
13 to chapter 1-26. Continuation of coverage for full-time students attaining the age of twenty-four
14 is not required if the dependent has other creditable coverage in force nor required for any full-
15 time students who attained the age of twenty-four prior to July 1, 2007.