

# 2023 SESSION

INTRODUCED

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## HOUSE BILL NO. 2201

Offered January 11, 2023

Prefiled January 11, 2023

*A BILL to amend and reenact § 38.2-3449 of the Code of Virginia, relating to association health plans; prohibiting discrimination based on health status; base premium rates.*

Patron—Byron

Referred to Committee on Commerce and Energy

### Be it enacted by the General Assembly of Virginia:

**1. That § 38.2-3449 of the Code of Virginia is amended and reenacted as follows:**

**§ 38.2-3449. Prohibiting discrimination based on health status.**

A. Notwithstanding any provision of § 38.2-508.5, 38.2-3431, 38.2-3432.3, 38.2-3521.1, 38.2-3522.1, 38.2-3540.2, 38.2-3551, 38.2-4109, or any other section of this title to the contrary, a health carrier offering a health benefit plan providing individual or group health insurance coverage shall not establish rules for eligibility, including continued eligibility, of any covered person to enroll under the terms of coverage based on any health status-related factor in relation to the covered person.

B. A health carrier shall not require any covered person as a condition of enrollment or continued enrollment under a health benefit plan to pay a premium or contribution that is greater than such premium or contribution for a similarly situated covered person enrolled in the plan on the basis of any health status-related factor in relation to the covered person. *In the case of a policy issued to an association in accordance with subsection E of § 38.2-3521.1, a health carrier may (i) establish base premium rates formed on an actuarially sound, modified community rating methodology that considers the pooling of all participant claims and (ii) utilize each employer member's specific risk profile to determine premium rates for each employer member by actuarially adjusting above or below the established base premium rates.*

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