

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend the Code of Virginia by adding a section numbered 38.2-3446.1, relating to health*
3 *insurance; catastrophic plans.*

4
5 Approved

[S 964]

6 **Be it enacted by the General Assembly of Virginia:**

7 **1. That the Code of Virginia is amended by adding a section numbered 38.2-3446.1 as follows:**

8 **§ 38.2-3446.1. Catastrophic plans.**

9 *A. As used in this section, "catastrophic plan" means a health benefit plan that satisfies the*
10 *provisions of 42 U.S.C. § 18022(e)(1)(B).*

11 *B. Notwithstanding any section of this title to the contrary, a catastrophic plan, notwithstanding that*
12 *it does not provide a bronze, silver, gold, or platinum level of coverage, shall be deemed to (i) provide*
13 *an essential health benefits package as defined in 42 U.S.C. § 18022(a) and (ii) meet the requirements*
14 *of § 42 U.S.C. § 18022(d).*

15 *C. A health carrier may offer catastrophic plans on the individual market and may offer such plans*
16 *to all individuals.*

17 **2. That the Commissioner of Insurance shall by September 1, 2018, prepare and submit an**
18 **application to the federal Centers for Medicare & Medicaid Services (CMS) for a State Innovation**
19 **Waiver under 42 U.S.C. § 18052 waiving the eligibility restrictions in 42 U.S.C. § 18022(e)(2) for**
20 **individuals eligible for catastrophic plans offered on the individual market for benefit years**
21 **beginning January 1, 2020, and future years. The waiver application shall clearly state that the**
22 **first enactment of this act is contingent on approval of the waiver request. The Commissioner of**
23 **Insurance shall promptly notify the Governor and the Chairs of the House Committees on**
24 **Commerce and Labor and Appropriations and the Senate Committees on Commerce and Labor**
25 **and Finance of any federal actions regarding the State Innovation Waiver request.**

26 **3. That the first enactment of this act shall be effective 30 days following the date the**
27 **Commissioner of Insurance notifies the Governor and the Chairs of the House Committees on**
28 **Appropriations and Commerce and Labor and the Senate Committees on Finance and Commerce**
29 **and Labor of federal approval of the State Innovation Waiver request required to be submitted by**
30 **the Commissioner of Insurance pursuant to the second enactment of this act.**

ENROLLED

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