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SENATE BILL NO. 719

Offered January 21, 2022

A BILL to amend the Code of Virginia by adding a section numbered 44-11.2, relating to Department of Military Affairs; health care insurance premiums for members of Virginia National Guard or Virginia Defense Force.

Patron—Cosgrove

Referred to Committee on General Laws and Technology

Be it enacted by the General Assembly of Virginia:**1. That the Code of Virginia is amended by adding a section numbered 44-11.2 as follows:****§ 44-11.2. Department of Military Affairs; health care insurance premiums for members of Virginia National Guard or Virginia Defense Force.**

A. The Department of Military Affairs shall have the power to pay the employer portion of health care insurance premiums for any member of the Virginia National Guard or Virginia Defense Force when the following circumstances are met:

1. A state of emergency has been declared by the Governor pursuant to Chapter 3.2 (§ 44-146.13 et seq.);

2. The declaration of such state of emergency activated the Virginia National Guard or the Virginia Defense Force;

3. The member for whom the Department of Military Affairs seeks to pay the employer portion of health care insurance premiums was called to state active duty under such state of emergency for greater than 14 days; and

4. The member demonstrates to the satisfaction of the Department of Military Affairs that:

a. Immediately prior to being called to state active duty, such member (i) was employed, (ii) received health care insurance coverage through his employer, and (iii) paid a health care insurance premium to maintain his health care insurance coverage; and

b. As a result of his state active duty status during the declared state of emergency, such member's employer is no longer paying a health care insurance premium to maintain the member's health care insurance coverage.

B. The Department of Military Affairs shall establish policies, procedures, and protocols to implement and record all payments authorized pursuant to this section. Any payment made by the Department of Military Affairs pursuant to this section shall cover only the employer portion of the health care insurance premiums from day 15 of state active duty until the date the service member is discharged from state active duty. Such payments by the Department of Military Affairs may cover health care insurance premiums where the same health insurance plan covers both the service member and his family.

C. Beginning November 1, 2023, the Department of Military Affairs shall report annually to the Secretary of Veterans and Defense Affairs all payments made pursuant to this section.

D. Nothing in this section shall be construed as creating any legal cause of action against the Commonwealth of Virginia or the Department of Military Affairs for health care insurance premiums or for payment of health care costs.

INTRODUCED

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