

**AMERICAN HEALTH BENEFIT EXCHANGE MODEL ACT
2012 LEGISLATION**

4/2/12

The date following each state indicates the last time information for the state was reviewed/changed.

STATE	LEGISLATION INTRODUCED/ STATUTE	STATUS	NAIC MODEL	OTHER
AL (4/12)	Executive Order 17	Signed 6/2/11. http://www.alabama.gov/silverheader/Welcome.do?url=http://governor.alabama.gov/		Executive Order 17 establishes the Alabama Health Insurance Exchange Study Commission to study the establishment of an exchange and make recommendations to the Governor and Legislature by Dec. 1, 2011.
AK (4/12)	<i>SB 70 pending (carry over from 2011)</i>	<i>Read 1st time – referrals; L&C, FIN, 1/26/11. L&C Rpt CS 4DP, referred to Finance, 3/23/11. Finance at 9:00 a.m.; heard and held, 3/28/11. Referred to Rules Committee, 2/3/12.</i> http://www.legis.state.ak.us/PDF/27/Bills/SB0070C.PDF	SB 70 is consistent with NAIC model. Includes provisions related to the governance and operations of the Exchange. Establishes the Exchange as public corporation of the state in the Department of Commerce, Community and Economic Development, but with separate independent and legal existence.	
AZ (4/12)	<i>HB 2783 pending (2012)</i>	<i>1st reading, 2/8/12. Assigned to BI, HHS and Rules, 2/8/12. 2nd reading, 2/9/12.</i> http://www.azleg.gov/legtext/50leg/2r/bills/hb2783p.pdf	<i>HB 2783 is consistent with NAIC model. Includes provisions related to the governance and operations of the Exchange.</i>	

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AR (4/12)	N/A	<p><i>Arkansas Insurance Department's published plan for a federal exchange partnership model.</i></p> <p>http://hbe.arkansas.gov/FederalPartnershipModel.pdf</p>		<p>Under this plan, the state has a choice of operating and receiving funding for insurance plan management and consumer assistance such as outreach and education and for establishing a navigator program, or it can allow the federal government to perform those functions.</p>
CA (1/11)	AB 1602 (2010)	<p>Approved by the Governor, 9/30/10. Chaptered by Secretary of State – Chapter 655, Statutes of 2010, 9/30/10.</p> <p>http://www.leginfo.ca.gov/pub/09-10/bill/asm/ab_1601-1650/ab_1602_bill_20100930_chaptered.pdf</p>	AB 1602 is consistent with the NAIC model.	
CA	SB 900 (2010)	<p>Approved by the Governor, 9/30/10. Chaptered by Secretary of State – Chapter 659, Statutes of 2010, 9/30/10.</p> <p>http://www.leginfo.ca.gov/pub/09-10/bill/sen/sb_0851-0900/sb_900_bill_20100930_chaptered.pdf</p>		<p>SB 900 establishes the California Health Benefit Exchange within state government as an independent public entity to be governed by a board.</p>

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CO (6/11)	2011 SB 200, Chapter No. 246	Signed by Governor, 6/1/11. http://www.leg.state.co.us/clics/clics2011a/csl.nsf/fsbillcont/7233327000DC9A078725780100604CC4?Open&file=200_enr.pdf		SB 200 establishes the Exchange as a nonprofit unincorporated public entity. Includes provisions establishing a board with certain duties and responsibilities related to establishment and implementation of the Exchange. Also, establishes a legislative health benefit exchange implementation review committee to provide oversight of the Exchange.
CT (6/11)	2011 SB 921, Public Act 11-53	Public Act 11-53, 6/8/11. http://www.cga.ct.gov/2011/TOB/s/pdf/2011SB-00921-R01-SB.pdf	SB 921 is consistent with the NAIC model. Includes additional provisions related to the governance and operations of the Exchange, establishing the Exchange as a body politic and corporate, constituting a public instrumentality and political subdivision of the state created for the performance of an essential public and governmental function. The Exchange shall not be considered to be department, institution or agency of the state.	
DE (4/12)				

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DC (4/12)	B19-0002 (2011)	<p>Introduced and referred to Health, Public Services and Consumer Affairs Committee, 1/4/11. Public Notice of Introduction, 1/14/11. Hearing date, 2/9/11. Committee action, 11/10/11. 1st vote/reading, 12/6/11. Final vote/reading, 12/20/11. Transmitted to Mayor, 1/3/12. Signed, 1/17/12. Enactment/action date: A-19-0269 Act, 1/17/12. Law #: L19-0094, eff. 3/2/12.</p> <p>http://dcclims1.dccouncil.us/images/00001/20120104163715.pdf</p>	Establishes the District of Columbia Health Benefit Exchange Authority as an independent authority of the District government and includes provisions related to the governance and operations of the Exchange.	
FL (4/12)				
GA (4/12)	<p><i>HB 801 pending (2012)</i></p> <p>Executive Order 06.02.11.01</p>	<p><i>1st reading, 1/25/12. 2nd reading, 1/26/12.</i></p> <p>http://www.legis.ga.gov/Legislation/20112012/118927.pdf</p> <p>Issued 6/2/11.</p> <p>http://gov.georgia.gov/vgn/images/portal/cit_1210/21/41/17217485106_02_11_01.pdf</p>		<p>Establishes the Georgia Health Insurance Marketplace Authority and provides for a board of directors and Fund.</p> <p>Executive Order 06.02.11.01 creates the Georgia Health Exchange Advisory Committee to assess whether Georgia should create an Exchange. The Committee must provide its preliminary recommendations to the Governor by Sept. 15, 2011 and final recommendations by Dec. 15, 2011.</p>

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HI (7/11)	2011 SB 1348 Act 205	Enrolled to Governor, 5/6/11. Act 205, 7/8/11 (Gov. Msg No. 1309), 7/11/11. http://www.capitol.hawaii.gov/session2011/bills/SB1348_CD1_.htm		Establishes the Hawaii health connector to create a health insurance exchange, creates the Hawaii health insurance exchange council and creates a Hawaii health connector task force to recommend policies and procedures to implement the governance of the health insurance exchange.
ID (4/12)	<i>HB 433 pending (2012)</i>	<i>House intro, 1st reading to printing, 1/27/12. Rpt Prt – to Health/Wel, 1/30/12.</i> http://www.legislature.idaho.gov/legislation/2012/H0433.pdf	Establishes the Exchange as an independent public body corporate politic. Includes provisions related to the governance and operation of the Exchange.	
IL (7/11)	SB 1555 (2011)	Effective Date: July 14, 2011. Public Act 97-0142. http://www.ilga.gov/legislation/fulltext.asp?DocName=09700SB1555enr&GA=97&SessionId=84&DocTypeId=SB&LegID=57442&DocNum=1555&GAID=11&Session=		As amended by the House, SB 1555 establishes creates the Exchange beginning Oct. 1, 2013. It also creates an Illinois Health Benefits Exchange Legislative Study Committee to conduct a study regarding state implementation and establishment of the Exchange. Required to report no later than Sept. 30, 2011.

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IN (6/11)	Executive Order 11-01	Establishes by Executive Order the Indiana Health Benefit Exchange, 1/3/11. http://www.in.gov/gov/files/Executive%20orders/EO_11-01.pdf		The Executive Order structures the Exchange as a nonprofit corporation. Forms the Indiana Insurance Market, Inc. to serve as the Exchange.
IA (4/12)	<i>SF 2042 pending (2012)</i>	<i>Introduced, 1/23/12.</i> http://coolice.legis.state.ia.us/linc/84/external/SF2042_Introduced.pdf	<i>Establishes the Iowa health benefit marketplace as a nonprofit corporation. Includes provisions related to the governance, operation and functions of the marketplace.</i>	
KS (4/12)				
KY (4/12)				
LA (4/12)				

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ME (7/11)	<p>LD 1497 pending (2011)</p> <p>LD 1498 pending (2011)</p> <p>LD 1582 (2011)</p>	<p><i>Referred to the Committee on Insurance and Financial Services, 4/15/11. Carried over to next Session.</i></p> <p>http://www.mainelegislature.org/legis/bills/display_ps.asp?snum=125&paper=HP1098&PID=1456</p> <p><i>Received by the Clerk of the House 4-15-11, 4/20/11. Referred to the Committee on Insurance and Financial Services, 4/20/11. Carried over to next Session.</i></p> <p>http://www.mainelegislature.org/legis/bills/display_ps.asp?id=1498&PID=1456&snum=125</p> <p>Signed by the Governor, 7/6/11. Chapter 105.</p> <p>http://www.mainelegislature.org/legis/bills/bills_125th/chapters/RESOLVE105.pdf</p>	<p>LD 1497 tracks the NAIC model. Includes provisions related to the establishment and operation of the Exchange. Establishes the Exchange as an independent executive agency.</p> <p>LD 1498 phases out the Dirigo Health Program and establishes an exchange. Remainder tracks the NAIC model. Includes provisions related to the establishment and operation of the Exchange. Establishes the Exchange as an independent executive agency.</p>	<p>LD 1582 creates an advisory committee to oversee the planning and grant application process. The committee must submit a report, including its recommendations and suggested legislation, to the Governor and the Joint Standing Committee on Insurance and Financial Services no later than Sept. 1, 2011.</p>
MD (4/12)	SB 182 (2011)	<p>Approved by the Governor – Chapter 1, 4/12/11.</p> <p>http://mlis.state.md.us/2011rs/chapters_noln/Ch_1_sb0182_T.pdf</p>	<p>SB 182 tracks the NAIC model. Provides that the Exchange be established a public corporation and as an independent unit of State government.</p>	

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MD (cont.)	<p>HB 166 (2011)</p> <p><i>SB 238 pending (2012)</i></p> <p><i>HB 443 pending (2012)</i></p>	<p>Approved by the Governor – Chapter 2, 4/12/11.</p> <p>http://mlis.state.md.us/2011rs/chapters_noln/Ch_2_hb0166T.pdf</p> <p><i>1st reading Finance Committee, 1/20/12. Hearing scheduled 2/22, 1/27/12. Favorable with amendments report by Finance, 3/23/12. Favorable with amendments, laid over adopted, 3/20/12. Favorable with amendments report adopted, 2nd reading passed with amendments, 3/21/12. 3rd reading passed, 3/22/12. 1st reading, Health and Government Operations, 3/24/12. Hearing schedule, 4/5, 3/28/12.</i></p> <p>http://mlis.state.md.us/2012rs/bills/sb/sb0238t.pdf</p> <p><i>1st reading Health and Government Operations Committee, 2/1/12. Hearing scheduled 2/23, 2/8/12. Favorable with amendments report by Health and Government Operations, 3/21/12. Favorable with amendments report adopted, special Order until 3/23/12, 3/19/12. 2nd reading passed with amendments, 3/20/12. 3rd reading passed, 3/22/12. 1st reading, Finance Committee, 3/22/12. Hearing scheduled, 3/29, 3/27/12. Hearing cancelled, hearing scheduled, 4/3, 4/28/12.</i></p> <p>http://mlis.state.md.us/2012rs/bills/hb/hb0443t.pdf</p>	<p>Cross-file of SB 182</p> <p><i>SB 238 expands on the legislation enacted in 2011, which established the governance and structure of the Exchange. This legislation reflects the report and recommendations developed by the Exchange Board after the conducting the required six policy studies related to Exchange policies, functions and operations.</i></p> <p>Cross-file of SB 238</p>	

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MA (4/12)				Had an existing Exchange prior to PPACA's enactment. But may need to revise for compliance with PPACA.
MI (4/12)	<i>SB 693 pending (2011)</i>	<i>Referred to Committee on Health Policy, 9/22/11. Reported favorably with Substitute S-2, referred to the Committee of the Whole with Substitute S-2, Reported by the Committee of the Whole favorably with Substitute S-2, Substitute S-2 concurred in, place on order of 3rd reading, rules suspended, placed on immediate passage, 11/10/11. Received in the House, 1st reading, referred to Committee on Health Policy, 11/10/11.</i> <i>http://www.legislature.mi.gov/documents/2011-2012/billengrossed/Senate/pdf/2011-SEBS-0693.pdf</i>	<i>SB 693 establishes a Michigan Marketplace, as a nonprofit corporation. Includes provisions for the governance, functions and operations of the Marketplace.</i>	
MN (4/12)	<i>HF 2290 pending (2012)</i>	<i>1st reading and referred to the Committee on Commerce and Regulatory Reform, 2/15/12.</i> <i>http://wdoc.house.leg.state.mn.us/leg/LS87/HF2290.0.pdf</i>		<i>HF 2290 establishes the Minnesota Insurance Marketplace as a board. Includes provisions for funding the board and for its responsibilities and powers. Requires the marketplace to submit a progress reports to the legislature March 15, 2013 and an annual report is due each year on Jan. 15. The commissioner of commerce is required to supervise the establishment of the marketplace for up to 60 days after the convening of the first board meeting.</i>

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MS (5/11)	HB 377 (2011)	Approved by the Governor, 4/26/11. http://billstatus.ls.state.ms.us/documents/2011/pdf/HB/0300-0399/HB0377SG.pdf		Companion to SB 2267. Enrolled Bill extends sunset to July 1, 2013.
MO (4/12)				
MT (4/12)				
NE (4/12)				

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NV (6/11)	SB 440 (2011)	Approved by the Governor Chapter 439, 6/16/11. http://www.leg.state.nv.us/Session/76th2011/Bills/SB/SB440_EN.pdf		As amended, SB 440 sets out the purpose of Silver State Health Insurance Exchange and provides that the Exchange shall perform all of the duties that are required of the Exchange to implement the requirements of the ACA. SB 440 also provides for the composition, appointment and terms of members and powers and duties of the Exchange Board of Directors. Also, sets out the permissible powers and duties of the Board of Directors, including adopting regulations, preparing special reports, and contracting for services needed to execute its duties and powers and the operation of the Exchange. Also, requires the Board of Directors on or before Dec. 31, 2011 to adopt a plan for the implementation and operation of the Exchange and submit the plan to the Governor and Legislature.
NH (4/12)	<i>SB 163 pending (2011)</i>	<i>Introduced, referred to Commerce, 2/3/11. Hearing held 2/22/11. Committee report: Re-referred to Committee, 3/9/11, 2/23/11. Re-referred to Committee, 3/9/11. Tabled until next legislative session. Laid on the Table.</i> http://www.gencourt.state.nh.us/legislation/2011/sb0163.html	SB 163 is consistent with the NAIC model. Includes additional provisions related to the governance and operations of the Exchange. Establishes the Exchange as a corporate body that is an instrumentality of the state and a public corporation.	

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NY (4/12)	<i>S 6699 pending (2012)</i>	<i>Referred to Insurance, 3/11/12.</i> <i>http://assembly.state.ny.us/leg/?default_fld=&bn=S06699&term=2011&Summary=Y&Text=Y</i>		<i>S 6699 establishes the New York health insurance exchange study commission, which will conduct a study of whether the state should establish and operate an exchange or participate in a regional exchange. Recommendations must be made on or before Aug. 1, 2012.</i>
NC (4/12)	<i>HB 22, section 49 (2011)</i>	<i>Ratified, 6/18/11. Presented to Governor, 6/20/11. Signed by Governor, 6/30/11. Ch. SL 2011-391.</i> <i>http://www.ncga.state.nc.us/Sessions/2011/Bills/House/PDF/H22v4.pdf</i>		<i>HB 22, section 49 gives the NC Department of Insurance (DOI) and the NC Department of Health and Human Services (DHHS) the authority to contract with experts to develop the necessary information technology (IT) needed to fulfill the requirements of the ACA.</i>
ND (6/11)	<i>HB 1126 (2011)</i>	<i>Signed by Governor, 05/09; Filed with Secretary of State, 5/10, 5/20/11.</i> <i>http://www.legis.nd.gov/assembly/62-2011/documents/11-8110-05000.pdf</i>		<i>HB 1126 provides statutory authority for establishing an Exchange and gives the commissioner the authority to adopt rules necessary or desirable to carry out the provisions of the legislation. Also, makes the legislation an emergency measure.</i>
OH (4/12)				

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OK (4/12)				
OR (7/11)	SB 99 (2011)	Governor signed, 6/17/11. Chapter 415, effective June 17, 2011, 6/22/11. http://www.leg.state.or.us/l1reg/measpdf/sb0001.dir/sb0099.en.pdf	SB 99 is consistent with NAIC model. Requires the Oregon Health Authority to develop and establish the Oregon Health Insurance Exchange as a public corporation. Includes additional provisions related to governance, functions and operations of the Exchange.	
PA (4/12)	<i>HB 627 pending (2011)</i>	<i>Referred to Insurance, 2/14/11.</i> http://www.legis.state.pa.us/cfdocs/billinfo/billinfo.cfm?year=2011&sind=0&body=H&type=B&BN=0627	HB 627 is consistent with NAIC model. Includes additional provisions related to governance of the Exchange.	

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PA (cont.)	SB 940 pending (2011)	<p>Referred to Banking & Insurance, 4/25/11.</p> <p>http://www.legis.state.pa.us/CFDOCS/Legis/PN/Public/btCheck.cfm?txtType=PDF&sessYr=2011&sessInd=0&billBody=S&billTyp=B&billNbr=0940&pn=1073</p>	SB 940 is consistent with NAIC model. Establishes the Exchange specifying its members.	
PR (7/11)				
RI (10/11)	Executive Order 11-09	<p>Signed Sept. 19, 2011.</p> <p>http://www.governor.ri.gov/documents/executiveorders/2011/Executive_Order_11-09.pdf</p>		Executive Order 11-09 establishes the Rhode Island Health Benefits Exchange. The Executive Order establishes a governing board and outlines the duties and functions of the Exchange. Includes a requirement, among other requirements, that all state agencies are to cooperate with the Exchange. Requires the Health Director to promulgate regulations governing the establishment and operation of the Exchange.

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SC (10/11)	Executive Order 2011-09	Signed March 10, 2011 http://www.governor.sc.gov/Documents/2011-09%20Establishing%20Committee%20to%20Study%20SC%20Health%20Exchange.pdf		Executive Order 11-09 establishes the South Carolina Health Exchange Planning Committee. The Planning Committee is charged with recommending whether and how South Carolina should establish an exchange. The Planning Committee will submit recommendations to the Governor regarding the feasibility of a state-based exchange by Oct. 28, 2011.
SD (4/12)				
TN (4/12)				
TX (4/12)				
UT (4/11)	HB 128 (2011)	Governor signed, 3/30/11. http://le.utah.gov/~2011/bills/hbillenr/hb0128.pdf		Had existing Exchange prior to PPACA's enactment, but may need to revise to comply with PPACA. HB 128 makes a number of changes to the existing statute related to Utah Health Exchange.

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VT (6/11)	H 202 (2011)	Signed by Governor, 5/26/11. http://www.leg.state.vt.us/docs/2012/Acts/ACT048.pdf	H 202 (sec. 4) is consistent with NAIC model. Includes additional provisions related to governance, functions and operations of the Exchange. Establishes the Exchange as a division in the Department of Vermont health access.	
VI (7/11)				
VA (4/11)	HB 2434 (2011)	Enacted, Chapter 823 (eff. 7/1/11). http://lis.virginia.gov/cgi-bin/legp604.exe?111+ful+CHAP0823		HB 2434 expresses the intent to develop a Virginia Exchange in the Commonwealth. Recommendations are due Oct. 1, 2011.
WA (4/12)	SB 5445 (2011)	Governor signed, 5/11/11. Chapter 317, effective 7/22/11. http://apps.leg.wa.gov/documents/billdocs/2011-12/Pdf/Bills/Session%20Law%202011/5445-S.SL.pdf		As amended, SB 5445 establishes the exchange as a public-private partnership separate and distinct from the state. Establishes a governing board. In collaboration with the joint select committee on health reform implementation, the Washington Health Care Authority is required to perform certain duties related to the exchange, including setting up a work plan and develop a broad range of options for operating the exchange and report the options to the Governor and the legislature on an on-going basis.

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WA (cont.)	HB 2319 (2012)	<p>1st reading, referred to Health Care & Wellness, 1/11/12. Public hearing in the House Committee on Health Care & Wellness, 1/18/12. Executive action taken, majority; 1st substitute bill be substituted do pass, 1/30/12. Referred to Ways & Means, 1/31/12. Public hearing in the House Committee on Ways & Means, Executive action taken by committee, majority, 2nd substitute bill be substituted, do pass, 2/7/12. Rules Committee relieved of further consideration, placed on 2nd reading, 2/10/12. 2nd substitute bill substituted, floor amendment(s) adopted, rules suspended, placed on 3rd reading, 3rd reading passed, 2/11/12. In the Senate, 1st reading, referred to Health & Long-Term Care, 2/14/12. Public hearing in the Senate Committee on Health & Long-Term Care, 2/20/12. Executive action taken, 2/22/12. HEA – Majority, do pass with amendments, passed to Rules Committee for 2nd reading, 2/23/12. Placed on 2nd reading by Rules Committee, 2/28/12. Committee amendment not adopted, Floor amendment(s) adopted, Rules suspended, placed on 3rd reading, 3rd reading passed, 3/1/12. In the House, House concurred in Senate amendments, passed final passage, 3/3/12. Speaker signed, 3/8/12. President signed. Delivered to the Governor. Approved by the Governor, 3/23/12.</p> <p>http://apps.leg.wa.gov/documents/billdocs/2011-12/Pdf/Bills/House%20Passed%20Legislature/2319-S2.PL.pdf</p>		HB 2319 furthers state implementation of the health benefit exchange as provided initially in SB 5445 (2011).

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WY (3/11)	HB 50 (2011)	Governor signs, 3/10/11. Assigned Chapter Number 0195 of the Session Laws of Wyoming 2011. http://legisweb.state.wy.us/2011/Enroll/HB0050.pdf		HB 50 creates a steering committee to study whether the state should establish and operate a Wyoming health insurance exchange or participate in a regional exchange. Requires that a preliminary report be provided by Oct. 1, 2011.

Please note that the language in this **color** reflects changes from the 10/10/11 American Health Benefit Exchange Model legislative tracking chart.

This chart does not constitute a formal legal opinion by the NAIC staff on the provisions of state law and should not be relied upon as such. Every effort has been made to provide correct and accurate summaries to assist the reader in targeting useful information. For further details, the statutes and regulations cited should be consulted. The NAIC attempts to provide current information; however, readers should consult state law for additional adoptions.