

HOUSE JOINT RESOLUTION NO. 51

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SHIELDS.

2074H.02I

DANA RADEMAN MILLER, Chief Clerk

JOINT RESOLUTION

Submitting to the qualified voters of Missouri an amendment to Article I of the Constitution of Missouri, by adopting one new section relating to health insurance.

Be it resolved by the House of Representatives, the Senate concurring therein:

That at the next general election to be held in the state of Missouri, on Tuesday next following the first Monday in November, 2022, or at a special election to be called by the governor for that purpose, there is hereby submitted to the qualified voters of this state, for adoption or rejection, the following amendment to Article I of the Constitution of the state of Missouri:

Section A. Article I, Constitution of Missouri, is amended by adding one new section, to be known as Section 36, to read as follows:

Section 36. That no health benefit plan providing coverage to a resident of this state shall limit or exclude benefits relating to any condition based on the fact that the condition is a preexisting condition or shall charge a different premium rate or impose different out-of-pocket costs for the same coverage based on the fact that a person covered under the plan has a preexisting condition. Health benefit plans that provide dependent coverage of children shall continue to make such coverage available for an adult child until the child turns twenty-six years of age. This section shall not apply to plans precluded by federal law or to excepted benefit plans. As used in this section, the following terms mean:

(1) "Excepted benefit plan", a policy or certificate of insurance extending the following coverages or any combination thereof:

(a) Coverage under short-term major medical policies;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

- 12 **(b) Coverage only for accident, including accidental death and dismemberment,**
13 **insurance;**
- 14 **(c) Coverage only for disability income insurance;**
- 15 **(d) Credit-only insurance;**
- 16 **(e) Other similar insurance coverage under which benefits for medical care are**
17 **supplemental to other insurance benefits;**
- 18 **(f) Coverage only for a specified disease or illness; or**
- 19 **(g) Hospital indemnity or other fixed indemnity insurance;**
- 20 **(2) "Health benefit plan", a policy, contract, certificate, or agreement available to**
21 **or advertised to the public and entered into, offered, or issued by a health carrier to**
22 **provide, deliver, arrange for, pay for, or reimburse any of the costs of health care services;**
23 **except that, the term "health benefit plan" shall not include any coverage under a liability**
24 **insurance policy, a workers' compensation insurance policy, or medical payments**
25 **insurance issued as a supplement to a liability policy;**
- 26 **(3) "Health care service", a service for the diagnosis, prevention, treatment, cure,**
27 **or relief of a health condition, illness, injury, or disease including, but not limited to, the**
28 **provision of drugs or durable medical equipment;**
- 29 **(4) "Health carrier", an entity subject to the insurance laws and regulations of this**
30 **state that contracts or offers to contract to provide, deliver, arrange for, pay for, or**
31 **reimburse any of the costs of health care services, including a sickness and accident**
32 **insurance company, a health maintenance organization, a nonprofit hospital and health**
33 **service corporation, or any other entity providing a plan of health insurance, health**
34 **benefits, or health services; except that, such plan shall not include any coverage under a**
35 **liability insurance policy, a workers' compensation insurance policy, or medical payments**
36 **insurance issued as a supplement to a liability policy;**
- 37 **(5) "Preexisting condition", a condition present before the date of enrollment in a**
38 **health benefit plan, regardless of whether any medical advice, diagnosis, care, or treatment**
39 **is recommended or received before such date. Genetic information shall not be treated as**
40 **a preexisting condition in the absence of a diagnosis of the condition related to such**
41 **information.**

Section B. Under chapter 116 and other applicable constitutional provisions and laws
2 of this state allowing the general assembly to adopt ballot language for the submission of this
3 joint resolution to the voters of this state, the official summary statement of this resolution shall
4 be as follows:

5 "Shall the Missouri Constitution be amended to provide health insurance protections for
6 children and adults with preexisting conditions and to require insurance companies to allow

7 children to retain dependent coverage until the age of twenty-six, except as precluded by federal
8 law and in excepted benefit plans?".

✓