AMENDED IN SENATE JUNE 10, 2019

CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

ASSEMBLY BILL No. 1063

Introduced by Assembly Member Petrie-Norris

February 21, 2019

An act to add Section 100523 to the Government Code, relating to healthcare coverage.

LEGISLATIVE COUNSEL'S DIGEST

AB 1063, as amended, Petrie-Norris. Healthcare coverage: waivers.

Existing federal law, the ~~federal~~ Patient Protection and Affordable Care Act (PPACA), requires each state to establish an American Health Benefit Exchange to facilitate the purchase of qualified health benefit plans by qualified individuals and qualified small employers. PPACA authorizes a state to apply to the United States Department of Health and Human Services for a state innovation waiver of any or all PPACA requirements, if certain criteria are met, including that the state has enacted a law that provides for state actions under a waiver. Existing state law creates the California Health Benefit ~~Exchange (Exchange),~~ *Exchange,* also known as Covered California, to facilitate the enrollment of qualified individuals and qualified small employers in qualified health plans as required under PPACA.

This bill would require ~~the Exchange to obtain~~ *express* statutory authority ~~before seeking~~ *to request* a state innovation waiver from the United States Department of Health and Human Services. The bill would also make related findings and declarations.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 100523 is added to the Government Code, to read:

100523. (a) The Legislature finds and declares that the goal of the state innovation waiver of Section 1332 of the federal act is to enable states to pursue alternative coverage approaches in the individual and small group markets that are consistent with the federal act.

(b) The Legislature also finds and declares that if the state proposes an innovative strategy to offer coverage in the individual and small group markets, that strategy shall provide coverage that would be as accessible, comprehensive, and affordable as coverage available pursuant to the federal act, that would cover a number of state residents comparable to the number who would have been covered under the federal act with coverage that is equally or more comprehensive and equally or more affordable, and that would not increase the federal deficit.

~~(c) The Exchange shall obtain statutory authority from the Legislature before seeking a state innovation waiver from the United States Department of Health and Human Services pursuant to Section 1332 of the federal act.~~

(c) A waiver shall not be requested from the United States Department of Health and Human Services pursuant to Section 1332 of the federal act without express statutory authority.

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