

By: Representative Zuber

To: Insurance

HOUSE BILL NO. 1190

1 AN ACT TO PROVIDE THAT PLAN SPONSOR OF A HEALTH BENEFIT PLAN
 2 MAY, ON BEHALF OF COVERED PERSONS IN THE PLAN, PROVIDE THE CONSENT
 3 REQUIRED IN THE MISSISSIPPI INSURANCE E-COMMERCE MODEL ACT TO THE
 4 MAILING OF ALL COMMUNICATIONS RELATED TO THE PLAN BY ELECTRONIC
 5 MEANS; TO DEFINE "HEALTH BENEFIT PLAN" AND "PLAN SPONSOR"; TO
 6 PROVIDE THAT BEFORE CONSENTING ON BEHALF OF A PARTY, A PLAN
 7 SPONSOR SHALL CONFIRM THAT THE PARTY ROUTINELY USES ELECTRONIC
 8 COMMUNICATIONS DURING THE NORMAL COURSE OF EMPLOYMENT; TO PROVIDE
 9 THAT BEFORE PROVIDING DELIVERY BY ELECTRONIC MEANS, THE INSURER
 10 FOR THE HEALTH BENEFIT PLAN SHALL PROVIDE THE PARTY AN OPPORTUNITY
 11 TO OPT OUT OF DELIVERY BY ELECTRONIC MEANS AND MEET CERTAIN OTHER
 12 CONDITIONS OF THE MISSISSIPPI INSURANCE E-COMMERCE MODEL ACT; TO
 13 AUTHORIZE THE COMMISSIONER OF INSURANCE TO ADOPT RULES TO
 14 IMPLEMENT THE PROVISIONS OF THIS ACT; AND FOR RELATED PURPOSES.

15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

16 **SECTION 1.** (1) For the purposes of this section, the
 17 following words and phrases shall have the meanings as defined
 18 herein unless the context clearly indicates otherwise:

19 (a) "Health benefit plan" means a policy, contract,
 20 certificate or agreement entered into, offered by or issued by an
 21 insurer to provide, deliver, arrange for, pay for or reimburse any
 22 of the costs of healthcare services, including a vision or dental
 23 benefit plan.



24 (b) "Plan sponsor" means a person, other than a
25 regulated entity, who establishes, adopts or maintains a health
26 benefit plan that covers residents of this state, including a plan
27 established, adopted or maintained by an employer or jointly by an
28 employer and one or more employee organizations, an association, a
29 committee, a joint board of trustees or any similar group of
30 representatives who establish, adopt or maintain a plan.

31 (2) The plan sponsor of a health benefit plan may, on behalf
32 of covered persons in the plan, provide the consent required in
33 Section 83-5-857 to the mailing of all communications related to
34 the plan by electronic means.

35 (3) Before consenting on behalf of a party, a plan sponsor
36 shall confirm that the party routinely uses electronic
37 communications during the normal course of employment.

38 (4) Before providing delivery by electronic means, the
39 insurer for the health benefit plan shall:

40 (a) Provide the party an opportunity to opt out of
41 delivery by electronic means; and

42 (b) Document that the remaining conditions under
43 Sections 83-5-857(b) and Sections 83-5-859, 83-5-861, 83-5-867 and
44 83-5-869 are satisfied.

45 (5) The Commissioner of Insurance may adopt rules to
46 implement the provisions of this section.

47 **SECTION 2.** This act shall take effect and be in force from
48 and after July 1, 2023.

