

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.

