

By: Senator(s) Michel

To: Insurance

SENATE BILL NO. 2614

1 AN ACT TO CREATE NEW SECTION 83-5-858, MISSISSIPPI CODE OF
2 1972, TO PROVIDE THAT A PLAN SPONSOR OF A HEALTH BENEFIT PLAN MAY,
3 ON BEHALF OF COVERED PERSONS IN THE PLAN, PROVIDE THE CONSENT TO
4 THE MAILING OF ALL COMMUNICATIONS RELATED TO THE PLAN BY
5 ELECTRONIC MEANS; TO PROVIDE CERTAIN OTHER REQUIREMENTS OF PLAN
6 SPONSORS AND INSURERS FOR HEALTH BENEFIT PLANS; AND FOR RELATED
7 PURPOSES.

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

9 **SECTION 1.** The following shall be codified as Section
10 83-5-858, Mississippi Code of 1972:

11 83-5-858. (1) As used in this section, the following terms
12 shall have the meanings ascribed herein:

13 (a) "Health benefit plan" means a policy, contract,
14 certificate or agreement entered into, offered by, or issued by an
15 insurer to provide, deliver, arrange for, pay for or reimburse any
16 of the costs of healthcare services, including a vision or dental
17 benefit plan.

18 (b) "Plan sponsor" means a person, other than a
19 regulated entity, who establishes, adopts or maintains a health
20 benefit plan that covers residents of this state, including a plan



21 established, adopted or maintained by an employer or jointly by an
22 employer and one or more employee organizations, an association, a
23 committee, a joint board of trustees or any similar group of
24 representatives who establish, adopt or maintain a plan.

25 (2) The plan sponsor of a health benefit plan may, on behalf
26 of covered persons in the plan, provide the consent to the mailing
27 of all communications related to the plan by electronic means
28 otherwise required by Section 83-5-857 and to the electronic
29 delivery of any health insurance identification card.

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

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

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

37 (b) Document that all conditions of Sections 83-5-857
38 and 83-5-859 are satisfied.

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

