

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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SENATE BILL 789

Short Title: NC Health Benefits Exchange Implementation. (Public)

Sponsors: Senator Hise (Primary Sponsor).

Referred to: Rules and Operations of the Senate

May 2, 2024

A BILL TO BE ENTITLED
AN ACT AUTHORIZING THE COMMISSIONER OF INSURANCE TO ESTABLISH AND
OPERATE A STATE-RUN HEALTH BENEFITS EXCHANGE.

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 58-2-40(2) is recodified as G.S. 58-2-40(b).

SECTION 1.(b) G.S. 58-2-40, as amended by subsection (a) of this section, reads as written:

"§ 58-2-40. Powers and duties of Commissioner.

(a) The Commissioner ~~shall~~ has the duty to do all of the following:

(1) See that all laws of this State that the Commissioner is responsible for administering and the provisions of this Chapter are faithfully ~~executed; and to be executed.~~ To that ~~end~~ end, the Commissioner is authorized to adopt ~~rules~~ rules, in accordance with Chapter 150B of the General Statutes, in order to enforce, carry out and make effective the provisions of those laws. The Commissioner is also authorized to adopt ~~such~~ further rules not contrary to those laws that will prevent persons subject to the Commissioner's regulatory authority from engaging in practices injurious to the public.

...

(b) ~~Have~~ The Commissioner shall have the power and authority to adopt rules pertaining to and governing the solicitation of proxies, including related financial reporting in connection therewith, reporting requirements, with respect to the capital stock or other equity securities of any domestic stock insurance company.

(c) The Commissioner shall establish a State-run Health Benefits Exchange, as provided for under the federal Patient Protection and Affordable Care Act (P.L. 111-148), as amended, or other applicable federal law and regulations. The Commissioner has the authority to do all of the following:

- (1) Change any established program, adopt or amend any rule, or establish or change any policy, guideline, or plan as necessary to implement, establish, create, administer, or otherwise operate the Exchange.
- (2) Apply for and accept federal moneys related to the creation, implementation, or operation of the Exchange.
- (3) Create any advisory board or committee for providing recommendations on the creation, implementation, or operation of the exchange."

SECTION 2. G.S. 143B-24 reads as rewritten:

"§ 143B-24. Cooperative ~~agreements; prohibition regarding Health Benefit Exchanges.~~ agreements.



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2 (b) ~~The General Assembly reserves the authority to define the State's level of interaction,~~
3 ~~if any, with the federally facilitated Health Benefit Exchange that will operate in the State. No~~
4 ~~department, agency, or institution of this State shall enter into any contracts or commit any~~
5 ~~resources for the provision of any services related to the federally facilitated Health Benefit~~
6 ~~Exchange under a "Partnership" Exchange model, except as authorized by the General Assembly.~~
7 ~~No department, agency, or institution of this State shall take any actions not authorized by the~~
8 ~~General Assembly toward the formation of a State-run Health Benefit Exchange. It is not the~~
9 ~~intent of this section to prohibit State-federal interaction that does not pursue a State-run~~
10 ~~Exchange or "Partnership" Exchange model."~~

11 **SECTION 3.** Effective July 1, 2024, there is appropriated from the General Fund to
12 the Department of Insurance the sum of one hundred thousand dollars (\$100,000) in recurring
13 funds for the 2024-2025 fiscal year to be used to establish and operate a State-run Health Benefits
14 Exchange, as authorized under G.S. 58-2-40(c).

15 **SECTION 4.** Except as otherwise provided, this act is effective when it becomes
16 law.