

SENATE JOINT RESOLUTION NO. 26

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR ESLINGER.

0688S.10I

ADRIANE D. CROUSE, Secretary

JOINT RESOLUTION

Submitting to the qualified voters of Missouri, an amendment to article I of the Constitution of Missouri, by adding thereto one new section relating to health insurance.

Be it resolved by the Senate, the House of Representatives concurring therein:

That at the next general election to be held in the
2 state of Missouri, on Tuesday next following the first Monday
3 in November, 2022, or at a special election to be called by
4 the governor for that purpose, there is hereby submitted to
5 the qualified voters of this state, for adoption or
6 rejection, the following amendment to article I of the
7 Constitution of the state of Missouri:

Section A. Article I, Constitution of Missouri, is amended
2 by adding thereto one new section, to be known as section 36,
3 to read as follows:

Section 36. That no health benefit plan providing
2 **coverage to a resident of this state shall limit or exclude**
3 **benefits relating to any condition based on the fact that**
4 **the condition is a preexisting condition, or shall charge a**
5 **different premium rate or impose different out-of-pocket**
6 **costs for the same coverage based on the fact that a person**
7 **covered under the plan has a preexisting condition. Health**
8 **benefit plans that provide dependent coverage of children**
9 **shall continue to make such coverage available for an adult**
10 **child until the child turns twenty-six years of age. This**
11 **section shall not apply to plans precluded by federal law or**
12 **to excepted benefit plans. As used in this section, the**
13 **following terms shall mean:**

14 (1) "Excepted benefit plan", a policy or certificate
15 of insurance extending the following coverages or any
16 combination thereof:

17 (a) Coverage under short-term major medical policies;

18 (b) Coverage only for accident, including accidental
19 death and dismemberment, insurance;

20 (c) Coverage only for disability income insurance;

21 (d) Credit-only insurance;

22 (e) Other similar insurance coverage under which
23 benefits for medical care are supplemental to other
24 insurance benefits;

25 (f) Coverage only for a specified disease or illness;
26 or

27 (g) Hospital indemnity or other fixed indemnity
28 insurance;

29 (2) "Health benefit plan", a policy, contract,
30 certificate, or agreement, available to or advertised to the
31 public, and entered into, offered, or issued by a health
32 carrier to provide, deliver, arrange for, pay for, or
33 reimburse any of the costs of health care services; except
34 that, health benefit plan shall not include any coverage
35 pursuant to a liability insurance policy, workers'
36 compensation insurance policy, or medical payments insurance
37 issued as a supplement to a liability policy;

38 (3) "Health care service", a service for the
39 diagnosis, prevention, treatment, cure, or relief of a
40 health condition, illness, injury, or disease, including but
41 not limited to the provision of drugs or durable medical
42 equipment;

43 (4) "Health carrier", an entity subject to the
44 insurance laws and regulations of this state that contracts
45 or offers to contract to provide, deliver, arrange for, pay

46 for, or reimburse any of the costs of health care services,
47 including a sickness and accident insurance company, a
48 health maintenance organization, a nonprofit hospital and
49 health service corporation, or any other entity providing a
50 plan of health insurance, health benefits, or health
51 services; except that such plan shall not include any
52 coverage pursuant to a liability insurance policy, workers'
53 compensation insurance policy, or medical payments insurance
54 issued as a supplement to a liability policy;

55 (5) "Preexisting condition", a condition present
56 before the date of enrollment in a health benefit plan,
57 whether or not any medical advice, diagnosis, care, or
58 treatment is recommended or received before such date.
59 Genetic information shall not be treated as a preexisting
60 condition in the absence of a diagnosis of the condition
61 related to such information.

Section B. Pursuant to chapter 116, and other
2 applicable constitutional provisions and laws of this state
3 allowing the general assembly to adopt ballot language for
4 the submission of this joint resolution to the voters of
5 this state, the official summary statement of this
6 resolution shall be as follows:

7 "Shall the Missouri Constitution be amended to
8 provide health insurance protections for
9 children and adults with preexisting conditions,
10 and to require insurance companies to allow
11 children to retain dependent coverage until the
12 age of twenty-six, except as precluded by
13 federal law and in excepted benefit plans?"

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