SENATE BILL No. 495

By Committee on Federal and State Affairs

AN ACT concerning insurance; reinstating the Kansas uninsurable health insurance plan act and renaming such plan the Kansas guaranteed coverage pool act contingent upon the patient protection and affordable care act being held invalid or unconstitutional; reporting by the commissioner of insurance to the legislature; amending K.S.A. 40-2117 and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

Sec. 1. (a) The legislature of the state of Kansas recognizes the importance and necessity of providing and regulating the system whereby Kansans obtain health insurance coverage. Further, the legislature of the state of Kansas declares as a matter of policy that it recognizes the right of all Kansans to maintain their private health insurance coverage if the patient protection and affordable care act is held to be invalid or unconstitutional, if they so desire.

(b) The commissioner of insurance is hereby directed to take all actions necessary and appropriate to reinstate the Kansas uninsurable health insurance plan act and implement the Kansas guaranteed coverage pool act.

(c) On or before the first day of the regular legislative session following the effective date of this act, the commissioner of insurance shall report to the house standing committee on insurance and the senate standing committee on financial institutions and insurance on the progress made in reinstating the uninsurable health plan act and implementing the Kansas guaranteed coverage pool act, identifying any issues that have been discovered and requesting any necessary legislative action.

Sec. 2. K.S.A. 40-2117 is hereby amended to read as follows: 40-2117. This act shall be known and may be cited as the Kansas uninsurable health insurance plan act. K.S.A. 40-2117 through 40-2131, and amendments thereto, shall be known and may be cited as the Kansas guaranteed coverage pool act.

Sec. 3. On the date of the issuance by the United States supreme court of an opinion in the case of California v. Texas, case no. 19-840, that holds the patient protection and affordable care act invalid or unconstitutional, K.S.A. 40-2117 is hereby repealed.

Sec. 4. This act shall take effect and be in force from and after the
date of the issuance by the United States supreme court of an opinion in the case of California v. Texas, case no. 19-840, that holds the patient protection and affordable care act invalid or unconstitutional and its publication in the statute book.