

Enrolled Senate Bill 748

Sponsored by Senator GELSER; Senator MANNING JR, Representatives ALONSO LEON,
REYNOLDS, SCHOUTEN

CHAPTER

AN ACT

Relating to benefit plans; creating new provisions; and amending ORS 743A.090.

Be It Enacted by the People of the State of Oregon:

SECTION 1. Section 2 of this 2021 Act is added to and made a part of ORS 243.105 to 243.285.

SECTION 2. (1) If the Public Employees' Benefit Board provides options under which an eligible employee may arrange coverage for family members under ORS 243.135, the board shall allow coverage of an adult disabled child of the eligible employee if:

(a) The eligible employee provides a statement from a physician certifying that the adult child has an ongoing disability that prevents the adult child from engaging in self-sustaining employment;

(b) The adult child was covered by a parent's insurance immediately before the time the adult child exceeded the age for eligibility for coverage under the parent's insurance; and

(c)(A) The eligible employee claims the adult child as a dependent of the eligible employee for tax purposes;

(B) The adult child files a tax return properly showing adjusted gross income that does not exceed 150 percent of the federal poverty level; or

(C) The eligible employee is the legal guardian of the employee's adult child.

(2) As used in this section:

(a) "Disabled" means to have a developmental disability, mental illness or a physical disability that began prior to the age of 26 and that prevents an individual from engaging in self-sustaining employment.

(b) "Self-sustaining employment" means employment with annual earnings that exceed 150 percent of the federal poverty level.

SECTION 3. Section 4 of this 2021 Act is added to and made a part of ORS 243.860 to 243.886.

SECTION 4. (1) If the Oregon Educators Benefit Board provides options under which an eligible employee may arrange coverage for family members under ORS 243.866, the board shall allow coverage of an adult disabled child of the eligible employee if:

(a) The eligible employee provides a statement from a physician certifying that the adult child has an ongoing disability that prevents the adult child from engaging in self-sustaining employment;

(b) The adult child was covered by a parent's insurance immediately before the time the adult child exceeded the age for eligibility for coverage under the parent's insurance; and

(c)(A) The eligible employee claims the adult child as a dependent of the eligible employee for tax purposes;

(B) The adult child files a tax return properly showing adjusted gross income that does not exceed 150 percent of the federal poverty level; or

(C) The eligible employee is the legal guardian of the employee's adult child.

(2) As used in this section:

(a) "Disabled" means to have a developmental disability, mental illness or a physical disability that began prior to the age of 26 and that prevents an individual from engaging in self-sustaining employment.

(b) "Self-sustaining employment" means employment with annual earnings that exceed 150 percent of the federal poverty level.

SECTION 5. ORS 743A.090 is amended to read:

743A.090. (1)(a) All individual and group health benefit plans, as defined in ORS 743B.005, that include coverage for a family member of the insured shall also provide that the health insurance benefits applicable for children in the family shall be payable with respect to:

[*a*] **(A) A child of the insured from the moment of birth; and**

[*b*] **(B) An adopted child effective upon placement for adoption.**

(b) All individual and group health benefit plans, as defined in ORS 743B.005, that include coverage for a family member of the insured shall also provide that the health insurance benefits applicable for children in the family shall be payable with respect to a disabled child of the insured who is 26 years of age or older, if:

(A) The insured provides a statement from a physician certifying that the child has an ongoing disability that prevents the child from engaging in self-sustaining employment;

(B) The child was covered by a parent's insurance for at least two years immediately before the time the child exceeded the age for eligibility for coverage under the parent's insurance; and

(C)(i) The insured claims the child as a dependent of the insured for tax purposes;

(ii) The child files a tax return properly showing adjusted gross income that does not exceed 150 percent of the federal poverty level; or

(iii) The insured is the legal guardian of the insured's child.

(2) The coverage of natural and adopted children required by subsection (1) of this section shall consist of coverage of preventive health services and treatment of injury or sickness, including the necessary care and treatment of medically diagnosed congenital defects and birth abnormalities.

(3) If payment of an additional premium is required to provide coverage for a child, the policy may require that notification of the birth of the child or of the placement for adoption of the child and payment of the premium be furnished to the insurer within 31 days after the date of birth or date of placement in order to effectuate the coverage required by this section and to have the coverage extended beyond the 31-day period.

(4) In any case in which a policy provides coverage for dependent children of participants or beneficiaries, the policy shall provide benefits to dependent children placed with participants or beneficiaries for adoption under the same terms and conditions as apply to the natural, dependent children of the participants and beneficiaries, regardless of whether the adoption has become final.

(5) As used in this section:

(a) "Child" means an individual who is:

(A) Under 26 years of age; or

(B) Disabled and 26 years of age or older, for purposes of coverage under subsection (1)(b) of this section.

(b) "Disabled" means to have a developmental disability, mental illness or a physical disability that began prior to the age of 26 and that prevents an individual from engaging in self-sustaining employment.

[(b)] (c) "Placement for adoption" means the assumption and retention by a person of a legal obligation for total or partial support of a child in anticipation of the adoption of the child. The child's placement with a person terminates upon the termination of such legal obligations.

(d) "Self-sustaining employment" means employment with annual earnings that exceed 150 percent of the federal poverty level.

(6) The provisions of ORS 743A.001 do not apply to this section.

Passed by Senate May 4, 2021

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Lori L. Brocker, Secretary of Senate

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Peter Courtney, President of Senate

Passed by House June 2, 2021

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Tina Kotek, Speaker of House

Received by Governor:

.....M.,....., 2021

Approved:

.....M.,....., 2021

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M.,....., 2021

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Shemia Fagan, Secretary of State