

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SENATE BILL 663

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

Sue Wilson Beffort

AN ACT

RELATING TO SMALL EMPLOYER HEALTH COVERAGE; REQUIRING NEW
EMPLOYERS THAT PURCHASE COVERAGE PURSUANT TO THE GROUP BENEFITS
ACT TO HAVE A NO-SMOKING POLICY FOR ITS EMPLOYEES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 10-7B-6.1 NMSA 1978 (being Laws 2005,
Chapter 301, Section 4 and Laws 2005, Chapter 305, Section 4)
is amended to read:

"10-7B-6.1. SMALL EMPLOYER HEALTH CARE COVERAGE.--

A. The director may enter into an agreement with a
small employer to voluntarily purchase health care coverage
offered pursuant to the Group Benefits Act for persons and
dependents eligible through the small employer; provided,
however, that the small employer has a policy that prohibits
the hiring of a person who smokes or uses tobacco products and

.164535.1

underscoring material = new
[bracketed material] = delete

underscoring material = new
[bracketed material] = delete

1 the policy has been in place at least one year prior to the
2 effective date of the health care coverage.

3 B. The director may enter into agreements with an
4 association, cooperative or mutual alliance representing small
5 employers to provide outreach and assistance for small
6 employers to voluntarily purchase health care coverage offered
7 pursuant to the Group Benefits Act for persons and dependents
8 eligible through the small employer.

9 C. The director shall only permit voluntary
10 purchase of health care coverage by small employers if the
11 small employer has not offered health care coverage to persons
12 and dependents eligible through a small employer for a period
13 of at least twelve months prior to enrollment in the coverage
14 offered pursuant to the Group Benefits Act.

15 D. A separate account shall be maintained for small
16 employers that voluntarily elect to purchase health care
17 coverage offered pursuant to the Group Benefits Act to provide
18 separate accounting, payment and private funding of health care
19 coverage for small employers. The funds in the small employers
20 account shall be maintained separately in actuarially sound
21 condition as evidenced by an annual written certification of a
22 qualified actuary, including verification that the premiums
23 charged are actuarially sound in relation to the benefits
24 provided. This certification shall be filed with the
25 superintendent of insurance."

.164535.1