

SENATE PUBLIC AFFAIRS COMMITTEE SUBSTITUTE FOR  
SENATE BILL 48

**51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013**

AN ACT

RELATING TO HEALTH COVERAGE; ENACTING NEW SECTIONS OF THE NMSA  
1978 TO PROVIDE FOR LARGE EMPLOYER PARTICIPATION IN ANY STATE  
HEALTH INSURANCE EXCHANGE; PROVIDING FOR A PREMIUM STUDY;  
PROVIDING FOR A CONTINGENT EFFECTIVE DATE.

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

**SECTION 1.** [NEW MATERIAL] STATE HEALTH INSURANCE  
EXCHANGE--LARGE EMPLOYER PARTICIPATION--PREMIUM STUDY.--

A. As of January 1, 2017, a large employer shall be  
permitted to participate as a qualified employer on a state  
health insurance exchange.

B. The superintendent of insurance shall conduct a  
study of premium growth in the large group market both in and  
outside of the state health insurance exchange and make a  
comparison of the large group market premium rates in and

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underscored material = new  
[bracketed material] = delete

1 outside of the exchange to determine whether there has been  
2 excessive premium growth in the exchange. By November 1, 2015,  
3 the superintendent of insurance shall report the results of  
4 this study and comparison to the legislative health and human  
5 services committee and to the legislative finance committee.

6 C. As used in this section:

7 (1) "large employer" means a person actively  
8 engaged in business that, on at least fifty percent of its  
9 working days during either of the two preceding years, employed  
10 no fewer than fifty employees eligible for employer-sponsored  
11 health coverage; provided that:

12 (a) in determining the number of  
13 eligible employees, the spouse or dependent of an employee may,  
14 at the employer's discretion, be counted as a separate  
15 employee;

16 (b) persons that are affiliated persons  
17 or that are eligible to file a combined tax return for purposes  
18 of state income taxation shall be considered one employer;

19 (c) in the case of an employer that was  
20 not in existence throughout a preceding calendar year, the  
21 determination of whether the employer is a small or large  
22 employer shall be based on the average number of employees that  
23 the employer is reasonably expected to employ on working days  
24 in the current calendar year; and

25 (d) the employer does not self-insure;

1 and

2 (2) "state health insurance exchange" means an  
3 entity established pursuant to state and federal law to provide  
4 qualified health plans to qualified individuals and qualified  
5 employers on the individual, small group or large group health  
6 insurance market.

7 SECTION 2. A new section of Chapter 59A, Article 23 NMSA  
8 1978 is enacted to read:

9 "[NEW MATERIAL] STATE HEALTH INSURANCE EXCHANGE--LARGE  
10 EMPLOYER PARTICIPATION.--

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12 permitted to participate as a qualified employer on a state  
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7 in the current calendar year; and

8 (d) the employer does not self-insure;  
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10 (2) "state health insurance exchange" means an  
11 entity established pursuant to state and federal law to provide  
12 qualified health plans to qualified individuals and qualified  
13 employers on the individual, small group or large group health  
14 insurance market."

15 **SECTION 3. CONTINGENT EFFECTIVE DATE.**--The provisions of  
16 this act shall be effective when the superintendent of  
17 insurance certifies to the legislative council service and the  
18 New Mexico compilation commission that premium rates in the  
19 state health insurance exchange's large group health insurance  
20 market have not risen excessively in comparison to premium  
21 rates in the large group health insurance market outside of the  
22 state health insurance exchange.