

CHAPTER 141
FORMERLY
HOUSE BILL NO. 161
AS AMENDED BY
SENATE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 18 OF THE DELAWARE CODE RELATING TO THE PROHIBITION OF THE DENIAL OF COVERAGE FOR PRE-EXISTING CONDITIONS IN CHILDREN UNDER THE AGE OF NINETEEN.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapter 33, Title 18 of the Delaware Code by inserting a new § 3361 which shall read as follows:

“§ 3361. Limitations on Pre-existing Condition Limitations for Minor Children.

(a) No individual health insurance policy, contract or certificate that is delivered or issued for delivery in this State by any health insurer, health service corporation or managed care organization which provides for hospital or medical expenses shall deny coverage to a child under the age of 19 because of a pre-existing condition.

(b) Each policy shall be either guaranteed issue, without exclusion for pre-existing conditions, or offered during an open enrollment period the first month of every calendar year.”.

Section 2. Amend Chapter 35, Title 18 of the Delaware Code by inserting a new § 3530 which shall read as follows:

“§ 3530. Limitations on Pre-existing Condition Limitations for Minor Children.

(a) No group or blanket health insurance policy, contract or certificate that is delivered or issued for delivery in this State by any health insurer, health service corporation or managed care organization which provides for hospital or medical expenses shall deny coverage to a child under the age of 19 because of a pre-existing condition.

(b) Each policy shall be either guaranteed issue, without exclusion for pre-existing conditions, or offered during an open enrollment period the first month of every calendar year.”.

Section 3. The provisions of this Act shall be of no force or effect if “The Patient Protection and Affordable Care Act,” Public Law 111-148 and the “Health Care and Education Reconciliation Act of 2010,” Public Law 111-152 are declared unconstitutional by the Supreme Court of the United States of America.

Approved July 25, 2011