

LAWS OF DELAWARE  
VOLUME 85  
CHAPTER 202  
153rd GENERAL ASSEMBLY  
FORMERLY  
SENATE BILL NO. 71

AN ACT TO AMEND TITLE 18 OF THE DELAWARE CODE RELATING TO MEDICARE SUPPLEMENT POLICIES.

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

Section 1. Amend Chapter 34, Title 18 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3401. Definitions.

( ) "Medicare Advantage plan" means a plan of coverage for health benefits under Medicare Part C as defined in 42 U.S.C. 1395w-28(b)(1), and includes all of the following:

(1) Coordinated care plans that provide health care services, including health maintenance organization plans, with or without a point-of-service option, plans offered by provider-sponsored organizations, and preferred provider organization plans.

(2) Medical savings account plans coupled with a contribution into a Medicare Advantage plan medical savings account.

(3) Medicare Advantage private fee-for-service plans.

Section 2. Amend Chapter 34, Title 18 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows and by redesignating accordingly:

§ 3411. Enrollment periods.

(a) A person enrolled in a Medicare supplement policy or certificate may cancel that person's existing Medicare supplement policy or certificate and purchase or select another Medicare supplement policy or certificate with the same or lesser benefits during an annual open enrollment period commencing 30 days prior to that person's birthday and remaining open for at least 30 days after that person's birthday.

(b) During the open enrollment period offered pursuant to subsection (a) of this section, an issuer of Medicare supplement policies or certificates in this State may not deny or condition the issuance or effectiveness of a Medicare supplement policy or certificate being offered or discriminate in the pricing of such a Medicare supplement policy or certificate because of health status, claims experience, receipt of health care, or medical condition, and may not impose an exclusion of benefits based on a preexisting condition under such a Medicare supplement policy or certificate.

(c) A person enrolled in a Medicare Advantage plan or certificate may cancel that person's existing Medicare Advantage plan or certificate and enroll in a Medicare supplement policy or certificate during Medicare open enrollment periods.

(d) With respect to any individual applying for a Medicare supplement policy or certificate pursuant to subsection (c) of this section, except as otherwise set forth in this subsection, an issuer of Medicare supplement policies

or certificates in this State may not deny or condition the effectiveness of a Medicare supplement policy or certificate being offered. Nothing in this subsection prevents an issuer from individually rating each applicant applying for a policy or certificate pursuant to subsection (c) of this section or applying a preexisting condition limitation in accordance with § 3403 of this title.

(e) At least 30 days before the beginning of the open enrollment period offered pursuant to subsection (a) of this section, but not more than 60 days before the beginning of that period, an issuer that issues a Medicare supplement policy or certificate must notify each person to whom the open enrollment period applies of all of the following:

(1) The dates on which the open enrollment period begins and ends and the rights of the person established by the provisions of this section.

(2) Any modification to the benefits provided by the policy or certificate under which the person is currently insured or adjustment to the premiums charged for that policy or certificate.

(f) The open enrollment periods created pursuant to this section are in addition to, and independent of, any other open enrollment periods established by federal or state law or regulation.

Section 3. This Act takes effect on January 1 following its enactment into law.

Approved September 3, 2025