

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Health Care to which was referred House Bill No. 696
3 entitled “An act relating to establishing a State individual mandate”
4 respectfully reports that it has considered the same and recommends that the
5 bill be amended by striking out all after the enacting clause and inserting in
6 lieu thereof the following:

7 Sec. 1. 32 V.S.A. chapter 244 is added to read:

8 CHAPTER 244. REQUIREMENT TO MAINTAIN

9 MINIMUM ESSENTIAL COVERAGE

10 § 10451. DEFINITIONS

11 As used in this chapter:

12 (1) “Applicable individual” means, with respect to any month, an
13 individual other than the following:

14 (A) an individual with a religious **conscience** exemption, **including**
15 **an individual who is a member of a health care sharing ministry, as**
16 **defined in 26 U.S.C. § 5000A(d)(2)(B) as in effect on December 31, 2017**
17 **and any related regulations;**

18 (B) an individual not lawfully present in the United States; or

19 (C) an individual for any month if for the month the individual is
20 incarcerated, other than incarceration pending the disposition of charges.

1 (2) “Eligible employer-sponsored plan” shall have the same meaning
2 as in 26 U.S.C. § 5000A, as amended, and as in effect on December 31,
3 2017, and any related regulations.

4 (3)(A) “Minimum essential health coverage” shall have the same
5 meaning as in 26 U.S.C. § 5000A, as amended, and as in effect on
6 December 31, 2017, and any related regulations.

7 § 10452. REQUIREMENT TO MAINTAIN MINIMUM ESSENTIAL
8 COVERAGE

9 An applicable individual shall ensure that the individual and any dependent
10 of the individual who is also an applicable individual is covered at all times
11 under minimum essential coverage.

12 Sec. 2. INDIVIDUAL MANDATE WORKING GROUP; REPORT

13 (a) Creation. There is created the Individual Mandate Working Group to
14 develop recommendations regarding administration and enforcement of the
15 individual mandate to maintain minimum essential health coverage.

16 (b) Membership. The Working Group shall be composed of the following
17 members:

18 [(1) a current member of the House of Representatives appointed by
19 the Speaker of the House;

20 (2) a current member of the Senate appointed by the Committee on
21 Committees;]

- 1 (3) the Secretary of Human Services or designee;
- 2 (4) the Commissioner of Financial Regulation or designee;
- 3 (5) the Commissioner of Taxes or designee;
- 4 (6) the Chair of the Green Mountain Care Board or designee;
- 5 (7) the Chief Health Care Advocate or designee; and
- 6 (8) one representative of each health insurer offering qualified health
7 benefit plans through the Vermont Health Benefit Exchange.

8 (c) Powers and duties. The Working Group shall develop
9 recommendations regarding administration and enforcement of the individual
10 mandate to maintain minimum essential health coverage, including:

11 (1) **enforcement mechanisms, such as** financial penalties for failure to
12 maintain minimum essential health coverage;

13 (2) **additional forms of coverage that should or should not be**
14 **considered minimum essential coverage;**

15 (3) exemptions from compliance with the individual mandate, including
16 exemptions related to religion, affordability, hardship, **and short gaps in**
17 **coverage;** and

18 (4) procedures for administration of the individual mandate and for
19 collection of **any** financial penalties by the Department of Taxes.

20 (d) Assistance. The Working Group shall have the administrative,
21 technical, and legal assistance of the Green Mountain Care Board, **the**

1 **Department of Vermont Health Access, the Department of Financial**
2 **Regulation, and the Department of Taxes.**

3 (e) Report. On or before November 1, 2018, the Working Group shall
4 provide its recommendations for administration and enforcement of the
5 individual mandate to the House Committees on Health Care and on Ways and
6 Means, the Senate Committees on Health and Welfare and on Finance, the
7 Joint Fiscal Committee, and the Health Reform Oversight Committee.

8 (f) Meetings.

9 (1) The Chair of the Green Mountain Care Board or designee shall call
10 the first meeting of the Working Group to occur on or before July 1, 2018.

11 (2) The Working Group shall cease to exist on January 1, 2019.

12 **[(g) Compensation and reimbursement. For attendance at meetings**
13 **during adjournment of the General Assembly, the legislative members of**
14 **the Working Group shall be entitled to per diem compensation and**
15 **reimbursement of expenses pursuant to 2 V.S.A. § 406 for not more than**
16 **six meetings. These payments shall be made from monies appropriated to**
17 **the General Assembly.]**

18 Sec. 3. EFFECTIVE DATES

19 (a) Sec. 1 (32 V.S.A. chapter 144) shall take effect on January 1, 2019.

20 (b) Secs. 2 (Individual Mandate Working Group) and this section shall take
21 effect on passage.

1 (Committee vote: _____)

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Representative _____

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FOR THE COMMITTEE

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