

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

SESSION LAW 2009-62
SENATE BILL 957

AN ACT TO CREATE A SPECIAL ENROLLMENT PERIOD IN THE NORTH CAROLINA GROUP HEALTH INSURANCE CONTINUATION LAW AND PROVIDE ELIGIBLE INDIVIDUALS WITH THE SAME CONTINUATION RIGHTS AS UNDER THE FEDERAL AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009.

The General Assembly of North Carolina enacts:

SECTION 1. Article 53 of Chapter 58 of the General Statutes of North Carolina is amended by adding a new section to read:

"§ 58-53-41. Extension of election period and effect on coverage.

(a) Definitions. – As used in this section, the following terms have the meanings specified:

- (1) "Act" means the federal American Recovery and Reinvestment Act of 2009, P.L. 111-5, effective February 17, 2009.
- (2) "Assistance eligible individual" has the same meaning as found in section 3001 of the Act.

(b) An employee or member who does not have an election of continuation coverage, as described in this Part, in effect on the effective date of this section, but who would be an assistance eligible individual under Title III of the Act if that election were in effect, may elect continuation coverage pursuant to the Part. The election shall be made no later than 60 days after the date the administrator of the group policy subject to this Part (or other entity involved) provides the notice required by section 3001(a)(7) of the Act. The administrator of the group policy subject to this Part (or other entity involved) shall provide such individuals with additional notice of the right to elect coverage pursuant to this section within 60 days after the effective date of this section.

(c) Continuation of coverage elected pursuant to subsection (b) of this section shall commence with the first period of coverage beginning on or after the effective date of this section and shall not extend beyond the period of continuation coverage that would have been required under G.S. 58-53-35 if the coverage had instead been elected pursuant to G.S. 58-53-10.

(d) With respect to any individual electing continuation coverage pursuant to this section, the period beginning on the date of the qualifying event and ending on the date of the first period of coverage on or after the effective date of this section shall be disregarded for purposes of determining the 63-day period referred to in G.S. 58-68-30(c)(2)a. and G.S. 58-51-17(a)(2)a."



SECTION 2. This act is effective when it becomes law.
In the General Assembly read three times and ratified this the 2nd day of June, 2009.

s/ Walter H. Dalton
President of the Senate

s/ Joe Hackney
Speaker of the House of Representatives

s/ Beverly E. Perdue
Governor

Approved 5:15 p.m. this 8th day of June, 2009