

ENROLLED ACT NO. 49, SENATE

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING  
2019 GENERAL SESSION

AN ACT relating to insurance; establishing licensing and fee requirements for multiple employer welfare arrangements as specified; providing rulemaking authority; specifying applicability; and providing for effective dates.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Section 1.** W.S. 26-19-115 is created to read:

**26-19-115. Multiple employer welfare arrangements; required license; applicability of the Small Employer Health Insurance Availability Act; hearings; rules.**

(a) A multiple employer welfare arrangement, as defined in W.S. 26-1-102(a)(xliv), intending to operate in Wyoming shall provide to the department all necessary documents to facilitate a determination of jurisdiction under W.S. 26-1-108. The department may specify required documents under this subsection by rule.

(b) Before operating in this state, a multiple employer welfare arrangement subject to the jurisdiction of the department shall obtain an annual license. The department shall collect a fee for each license or renewal, as provided in W.S. 26-4-101(a)(xx).

(c) Except as otherwise provided in this subsection, the provisions of the Small Employer Health Insurance Availability Act, W.S. 26-19-301 through 26-19-310, shall apply to multiple employer welfare arrangements subject to the jurisdiction of the department, including arrangements providing benefits to one (1) or more employees of a small employer, as defined in W.S. 26-19-302(a)(xxii). The provisions of W.S. 26-19-303(a) shall not apply.

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(d) The provisions of chapter 20 of this title shall apply to those multiple employer welfare arrangements subject to the jurisdiction of the department.

(e) The commissioner may suspend, revoke or refuse to issue or renew a license required by subsection (b) of this section, consistent with the Wyoming Administrative Procedure Act, W.S. 16-3-101 through 16-3-115 and 26-2-125 through 26-2-129.

(f) The commissioner may adopt rules to implement this section, including specifying the conditions under which actions may be taken under subsection (e) of this section, which shall be consistent with other insurance statutes governing suspensions, revocations or refusals to issue or renew licenses.

**Section 2.** W.S. 26-1-102(a) by creating a new paragraph (xlirii), 26-4-101(a)(i)(A), (B) and by creating a new paragraph (xx), 26-19-102(a)(ii)(intro) and by creating a new paragraph (ix), 26-19-106(a)(viii) and 26-19-303 by creating a new subsection (d) are amended to read:

**26-1-102. Definitions.**

(a) As used in this act:

(xlirii) "Multiple employer welfare arrangement" means an employee welfare benefit plan, as defined in 29 U.S.C. § 1002, or any other arrangement which is established to provide hospital, medical or surgical benefits in the event of sickness, accident, disability or death to the employees of two (2) or more employers, which may include self employed individuals, meeting a commonality of interest test, or to the beneficiaries of these persons. This term shall include

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a bona fide group or association of employers authorized to establish an employee welfare benefit plan under federal law.

**26-4-101. Fee schedule.**

(a) The commissioner shall collect in advance or contemporaneously fees, licenses and miscellaneous charges as specified in this subsection. Collection may include the acceptance of electronic funds transfer. All fees and other charges collected by the commissioner as specified in this subsection shall be nonrefundable:

(i) Certificate of authority:

(A) For filing application for insurer's initial certificate of authority, excluding multiple employer welfare arrangements, including all documents submitted as a part of the application, examination of application and issuance of certificate of authority, if issued ... \$750.00

(B) Annual continuation, excluding multiple employer welfare arrangements, including filing of annual statement ..... \$500.00

(xx) Multiple employer welfare arrangement, annual license or renewal ..... \$500.00.

**26-19-102. "Group disability insurance" defined; eligible groups.**

(a) "Group disability insurance" means that form of disability insurance covering groups of persons as described in this section and W.S. 26-19-110, with or without one (1) or more members of their families or one (1) or more of their dependents, or covering one (1) or more members of the

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families or one (1) or more dependents of the groups of persons. Except as provided in W.S. 26-19-110, a group disability insurance policy shall not be issued for delivery in this state unless the policy is issued to:

(ii) An association, or a trust or the trustee of a fund established or adopted for the benefit of members of one (1) or more associations. The association shall have at the time the policy is first issued a minimum of fifty (50) persons eligible for insurance, shall have a constitution and bylaws which provide that the association holds regular meetings not less than annually to further the members' purposes, that the association, except for credit unions, collects dues or solicits contributions from members, and that the members have voting privileges and representation on the governing board and committees. Prior to marketing or offering any group disability insurance to an association formed for the sole purpose of obtaining insurance, the producer shall file a written report with the department setting forth the name of the association, the insurer and its address and the offering producer and his address. The department shall keep the name of the association confidential. The provisions of the Small Employer Health Insurance Availability Act, W.S. 26-19-301 et seq., shall apply to all insurance issued to an association under this section. As used in this paragraph, "association" shall not include a multiple employer welfare arrangement. The policy is subject to the following requirements:

(ix) A multiple employer welfare arrangement under the jurisdiction of the department which:

(A) Is domiciled in Wyoming; or

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(B) Maintains its principal place of business in Wyoming.

**26-19-106. Blanket disability insurance; defined.**

(a) Blanket disability insurance is that form of disability insurance covering groups of persons under a policy or contract issued to:

(viii) An association, including a labor union, which has a constitution and bylaws and which is deemed the policyholder, covering any group of members or participants defined by reference to specified hazards incident to an activity or operations sponsored or supervised by the policyholder. Prior to marketing or offering any blanket disability insurance to an association, including a labor union, formed for the sole purpose of obtaining insurance, the producer shall file a written report with the department setting forth the name of the association, the insurer and its address and the offering producer and his address. The department shall keep the name of the association confidential. The provisions of the Small Employer Health Insurance Availability Act, W.S. 26-19-301 et seq., shall apply to all insurance issued to an association under this section. As used in this paragraph, "association" shall not include a multiple employer welfare arrangement;

**26-19-303. Applicability and scope.**

(d) This act shall apply to multiple employer welfare arrangements, consistent with W.S. 26-19-115.

**Section 3.** This act applies to health insurance policies issued on or after July 1, 2019.

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**Section 4.** The insurance commissioner shall promulgate rules as required by this act.

**Section 5.**

(a) Except as provided in subsection (b) of this section, this act is effective July 1, 2019.

(b) Section 4 of this act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

(END)

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Governor

TIME APPROVED: \_\_\_\_\_

DATE APPROVED: \_\_\_\_\_

I hereby certify that this act originated in the Senate.

\_\_\_\_\_  
Chief Clerk